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नई दिल्ली, मार्च 26—अप्रैल 1, 2006, शनिवार/चैत्र 5—चैत्र 11, 1928

No. 13]

NEW DELHI, MARCH 26—APRIL 1, 2006, SATURDAY/CHAITRA 5—CHAITRA 11, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(कार्मिक और प्रशिक्षण विभाग)

(Department of Personnel and Training)

नई दिल्ली, 21 मार्च, 2006

New Delhi, the 21st March, 2006

का. आ. 1167.—केंद्रीय सरकार, एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय अन्वेषण ब्यूरो के रिटैनर काउंसिल श्री योगेश नवीनचंद्रा खानी, अधिवक्ता, अहमदाबाद को गुजरात उच्च न्यायालय, अहमदाबाद में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें पुनरीक्षणों अथवा अन्य विषय का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

S.O. 1167.—In exercise of the powers conferred by the provisions of Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Yogesh Navinchandra Rangani, Advocate, Ahmedabad Retainer Counsel of Central Bureau of Investigation, in the Gujarat High Court as Special Public Prosecutor, for conducting prosecution, appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment in the Delhi High Court.

[सं. 225/10/2006-ए.वी.डी.-II]

[No. 225/10/2006-AVD-II]

चन्द्र प्रकाश, अवर सचिव

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 23 मार्च, 2006

का. आ. 1168.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री एम. डी. माल्या (जन्मतिथि : 09-11-1952) वर्तमान कार्यपालक निदेशक, ओरियंटल बैंक ऑफ कामर्स को 25-3-2006 को या उसके बाद पद ग्रहण करने की तारीख से पांच वर्ष की अवधि के लिए या अगला आदेश होने तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/10/2005-बीओ-1]

जी. बी. सिंह, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 23rd March, 2006

S.O. 1168.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri M. D. Mallya (DOB : 09-11-1952) presently Executive Director, Oriental Bank of Commerce, as Chairman and Managing Director, Bank of Maharashtra from the date of his taking charge of the post on or after 25-03-2006 for a period of five years or until further orders whichever is earlier.

[F.No. 9/10/2005-BO-1]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1169.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उप-खण्ड (1) और खण्ड 3 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार,

भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री आलोक कुमार मिश्रा (जन्मतिथि : 23-09-1952) वर्तमान महाप्रबंधक, बैंक आफ इंडिया को उनके पद ग्रहण करने की तारीख से पांच वर्ष की अवधि के लिए या अगला आदेश होने तक, जो भी पहले हो, केनरा बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/12/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1169.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Alok Kumar Misra (DOB : 23-09-1952) presently General Manager, Bank of India, as a whole time director (designated as the Executive Director) of Canara Bank for a period of five years with effect from the date of his taking charge of the post or until further orders whichever is earlier.

[F.No. 9/12/2006-BO-1]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1170.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उप-खण्ड (1) और खण्ड 3 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री एम. बी. नायर (जन्मतिथि : 03-03-1952) वर्तमान अध्यक्ष एवं प्रबंध निदेशक, देना बैंक को 01-04-2006 को या उसके बाद पद ग्रहण करने की तारीख से पांच वर्ष की अवधि के लिए या अगला आदेश होने तक, जो भी पहले हो, यूनियन बैंक आफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/5/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1170.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri M. V. Nair

(DOB : 03-03-1952) presently Chairman and Managing Director, Dena Bank, as Chairman and Managing Director, Union Bank of India from the date of his taking charge of the post on or after 01-04-2006 for a period of five years or until further orders whichever is earlier.

[F.No. 9/5/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1171.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 के उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री पी.पी.माल्या (जन्मतिथि : 07-07-1948) वर्तमान कार्यपालक निदेशक, सिंडिकेट बैंक को 01-04-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 31-7-2008 तक या अगला आदेश होने तक, जो भी पहले हो, विजया बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/17/2005-बीओ-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1171.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri P.P.Mallya (DOB:07-07-1948) presently Executive Director, Syndicate Bank, as Chairman and Managing Director, Vijaya Bank from the date of his taking charge of the post on or after 01-04-2006 and up to 31-07-2008, i.e., the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/17/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1172.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 के उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री एलेन सी.ए. पेरेरा (जन्मतिथि : 16-09-1950) वर्तमान महाप्रबंधक, सिंडिकेट बैंक को 25-03-2006 को या उसके बाद पद ग्रहण करने की तारीख से

और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 30-9-2010 तक या अगला आदेश होने तक, जो भी पहले हो, ओरियंटल बैंक आफ कामर्स के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/8/2006-बीओ-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1172.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Allen C.A. Pereira (DOB : 16-09-1950) presently General Manager, Syndicate Bank, as a whole time Director (designated as the Executive Director) Oriental Bank of Commerce with effect from the date of his taking charge of the post on or after 25-03-2006 and upto 30-09-2010, i.e., the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/8/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1173.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री कल्याण मुखर्जी (जन्मतिथि : 06-04-1948) वर्तमान महाप्रबंधक, यूको बैंक को उनके पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 30-4-2008 तक या अगला आदेश होने तक, जो भी पहले हो, आन्ध्रा बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/9/2006-बीओ-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1173.—In exercise of the powers conferred by clause (a) of Sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Kalyan Mukherjee (DOB : 06-04-1948) presently General Manager.

UCO Bank, as a whole time Director (designated as the Executive Director) Andhra Bank with effect from the date of his taking charge of the post and up to 30-04-2008, i.e., the date of his superannuation or until further orders, whichever is earlier.

[F.No. 9/9/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1174.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री जी. एस. मट्टा (जन्मतिथि : 24-03-1948) वर्तमान महा प्रबंधक, इंडियन ओवरसीज बैंक के उनके पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 31-3-2008 तक या अगला आदेश होने तक, जो भी पहले हो, पंजाब एंड सिंध बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. 9/7/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1174.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri G.S. Matta (DOB:24-03-1948) presently General Manager, Indian Overseas Bank, as a whole time Director (designated as the Executive Director) Punjab & Sind Bank from the date of his taking charge and up to 31-03-2008, i.e., the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F.No. 9/7/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1175.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री बी. सांबामूर्ति (जन्मतिथि : 23-10-1948) वर्तमान कार्यपालक निदेशक, इंडियन बैंक को 01-04-2006 को या उसके बाद पद ग्रहण करने की

तारीख से और उनकी सेवानिवृत्ति की तारीख 31-10-2008 तक या अगला आदेश होने तक, जो भी पहले हो, कॉर्पोरेशन बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/6/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 24th March, 2006

S.O. 1175.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri B. Sambamurthy (DOB : 23-10-1948) presently Executive Director, Indian Bank, as Chairman and Managing Director, Corporation Bank from the date of his taking charge of the post on or after 01-04-2006 and till the date of his superannuation (i.e. 31-10-2008) or until further orders, whichever is earlier.

[F.No. 9/6/2006-BO-I]

G. B. SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

(दंत शिक्षा अनुभाग)

नई दिल्ली, 10 मार्च, 2006

का. आ. 1176.—दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय दन्त चिकित्सा परिषद के साथ परामर्श करने के पश्चात् एतद्वारा अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात् :—

डॉ० बी० आर० अम्बेडकर विश्वविद्यालय, आगरा के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची में भाग-1 में क्रम संख्या 58 के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों के अन्तर्गत निम्नलिखित प्रविष्टियां रखी जाएं :—

“3 यू०पी० डेंटल कॉलेज एवं अनुसंधान केंद्र, लखनऊ

बी.डी.एस.

बैचलर ऑफ डेंटल सर्जरी

डॉ. बी.आर. अम्बेडकर

विश्वविद्यालय, आगरा।

(जब 30-6-2005 या उसके बाद प्रदान की गई हो) ”

[सं.वी.-12017/39/99-पी.एम.एस.(डीई)]

ए. के. सिंह, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)****(Dental Education Section)**

New Delhi, the 10th March, 2006

S.O. 1176.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. Under the existing entries of column 2 & 3 against Serial No.58, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Dr. B.R. Ambedkar University, Agra, the following entries shall be inserted thereunder :—

3. "U.P. Dental College & Research
Centre, Lucknow

B.D.S, Dr. B.R. Ambedkar University, Agra.

Bachelor of Dental Surgery
(when granted on or after 30-6-2005)"

[No.V-12017/39/99-PMS (DE)]

A. K. SINGH, Under Secy.

(स्वास्थ्य विभाग)

नई दिल्ली, 21 मार्च, 2006

का. आ. 1177.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; नामतः :—

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा एस.एम.बी.टी., डेंटल कॉलेज, घुलेवाड़ी (अमृत नगर), अहमदनगर और एम.ए. रंगूनवाला कॉलेज ऑफ डेंटल साइंसेज एण्ड रिसर्च सेंटर, पुणे के संबंध में डेंटल अर्हता को प्रदान की गई, मान्यता से संबंधित दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 60 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां उसके नीचे सन्निविष्ट की जाएंगी :—

"XV. एस.एम.बी.टी. डेंटल कॉलेज, घुलेवाड़ी
(अमृत नगर, अहमदनगर)

(i) बैचलर ऑफ डेंटल सर्जरी
(यदि 13-8-2005 को अथवा
उसके पश्चात् प्रदान की गई हो)।

बी.डी.एस., महाराष्ट्र स्वास्थ्य
विज्ञान विश्वविद्यालय, नासिक

"XVI एम.ए. रंगूनवाला कॉलेज ऑफ डेंटल
साइंसेज एण्ड रिसर्च सेंटर, पुणे

(i) बैचलर ऑफ डेंटल सर्जरी
(यदि 13-8-2005 को अथवा
उसके पश्चात् प्रदान की गई हो)।

बी.डी.एस., महाराष्ट्र स्वास्थ्य
विज्ञान विश्वविद्यालय, नासिक।"

[संख्या बी.-12017/3/2001-पी.एम.एस.]

ए. के. सिंह, अवर सचिव

(Department of Health)

New Delhi, the 21st March, 2006

S.O. 1177.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No.60, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental qualification in respect of S.M.B.T, Dental College, Ghulewadi (Amritnagar), Ahmednagar and M.A. Rangoonwala College of Dental Sciences & Research Centre, Pune, awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

- | | |
|--|---|
| <p>“XV. S.M.B.T, Dental College, Ghulewadi (Amritnagar), Ahmednagar</p> <p>(i) Bachelor of Dental Surgery (When granted on or after 13-8-2005).</p> | <p>B.D.S, Maharashtra University of Health Sciences, Nashik.</p> |
| <p>XVI M.A. Rangoonwala College of Dental Sciences & Research Centre, Pune</p> <p>(i) Bachelor of Dental Surgery (when granted on or after 17-8-2005).</p> | <p>B.D.S, Maharashtra University of Health Sciences, Nashik.”</p> |

[No.V-12017/3/2001-PMS]

A. K. SINGH, Under Secy.

नई दिल्ली, 21 मार्च, 2006

का. आ. 1178.— दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; नामतः :—

2. बाबा फरीद यूनिवर्सिटी ऑफ हेल्थ साइंसेज, फरीदकोट (पंजाब) से संबंधित दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम सं. 53 के सामने कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में लक्ष्मीबाई दन्त विज्ञान संस्थान और अस्पताल, पटियाला के संबंध में निम्नलिखित प्रविष्टियां इसके अन्तर्गत सन्निविष्ट की जाएंगी :—

“XIII. लक्ष्मीबाई दन्त विज्ञान संस्थान और अस्पताल, पटियाला

- | | |
|--|---|
| <p>(i) बैचलर ऑफ डेंटल सर्जरी
(यदि 27-5-2005 को अथवा
इसके पश्चात् प्रदान की गई हो)।</p> | <p>बी.डी.एस., बाबा फरीद यूनिवर्सिटी ऑफ
हेल्थ साइंसेज, फरीदकोट (पंजाब)।”</p> |
|--|---|

[संख्या बी.-12017/40/2000-पी.एम.एस. (डी.ई.)]

ए. के. सिंह, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1178.— In exercise of the powers conferred by sub-Section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No.53, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Baba Farid University of Health Sciences, Faridkot (Punjab), the following entries in respect of Luxmi Bai Institute of Dental Sciences & Hospital, Patiala, shall be inserted thereunder :—

“XIII. Luxmi Bai Institute of Dental Sciences & Hospital, Pat

- | | |
|---|---|
| <p>(i) Bachelor of Dental Surgery
(When granted on or after 27-5-2005).</p> | <p>Baba Farid University of Health Sciences,
Faridkot (Punjab)”</p> |
|---|---|

[No.V-12017/40/2000-PMS (DE)]

पोत-परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय

(पोत परिवहन विभाग)

नई दिल्ली, 21 मार्च, 2006

का. आ. 1179.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम 4 के अनुसरण में पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय, पोत परिवहन विभाग के प्रशासनिक नियंत्रण के अधीन निम्नलिखित कार्यालय में 80% से अधिक कर्मचारियों द्वारा हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लेने पर उसे एतद्द्वारा अधिसूचित करती है:—

समुद्री वाणिज्य विभाग,
मेरिन हाउस,
हेस्टिंग्स
कोलकाता-700022

[फा.सं. ई-11011/1/2000-हिन्दी]

अजय कुमार भल्ला, संयुक्त सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

New Delhi, the 21st March, 2006

S.O. 1179.—In pursuance of the sub-rule (4) of the rule 10 of the Official Language (use for the official purpose of the Union) Rules, 1976 (as amended 1987), the Central Government hereby notifies the following office under the administrative control of the Ministry of Shipping, Road Transport and Highways, Department of Shipping, more than 80% of the staff of which have acquired working knowledge of Hindi:—

Mercantile Marine Department,
Marine House,
Hastings,
Kolkata-700022

[F.No. E-11011/1/2000-Hindi]

A. K. BHALLA, Jt. Secy.

विदेश मंत्रालय

(सी.पी.बी. प्रभाग)

नई दिल्ली, 9 मार्च, 2006

का.आ. 1180.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केंद्रीय सरकार एतद्द्वारा भारत का प्रधान कौंसलावास, बीरगंज में श्री एस. सी. सिन्हा, सहायक को 09-03-2006 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं० टी-4330/01/2006]

एस.एन.वी. रामन्ना राव, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 9th March, 2006

S.O. 1180.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri S.C. Sinha, Assistant in the Consulate General of India, Birgunj to perform the duties of Assistant Consular Officer with effect from 09-02-2006.

[No. T.4330/01/2006]

S.N.V. RAMANA RAO, Under Secy.(Cons.)

नागर विमानन मंत्रालय

नई दिल्ली, 09 मार्च, 2006

का. आ. 1181.—सरकार स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारत के राजपत्र भाग-II, खण्ड-3, उप-खण्ड (ii) में दिनांक 20 जनवरी, 2001 को प्रकाशित नागर विमानन मंत्रालय, भारत सरकार के दिनांक 9 जनवरी, 2001 के सांविधिक आदेश 84 की, अधिसूचना को एतद्द्वारा और आगे निम्नानुसार संशोधित करती है :

उक्त अधिसूचना में, सारणी में, कॉलम (क) में, क्रम सं 4 के समक्ष प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि दर्ज की जाएगी :

“उप महाप्रबन्धक मानव संसाधन विकास, एअर इंडिया लिमिटेड, मुख्यालय, मुंबई”

[फा.सं. एवी-18050/02/97-एए]

संदीप प्रकाश, निदेशक

नोट: दिनांक 9 जनवरी, 2001 की प्रमुख अधिसूचना कां.आ. 84, दिनांक 20 जनवरी को भारत के राजपत्र, भाग-II, खण्ड-3, उप-खण्ड (ii) में प्रकाशित हुई थी, तथा बाद में इसको दिनांक 1 सितम्बर, 2003 की अधिसूचना सं. का.आ. 2580 द्वारा संशोधित किया गया था।

MINISTRY OF CIVIL AVIATION

New Delhi, the 9th March, 2006

S.O. 1181.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby further amends the notification of the Government of India, Ministry of Civil Aviation No. S.O. 84, dated 9th January, 2001, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 20th January, 2001, namely :

In the said notification, in the Table, in Column (A), against Serial No.4, for the entry, the following entry shall be substituted, namely :

“Deputy General Manager - HRD, Air India Limited,
Headquarters, Mumbai.”

[F.No.AV-18050/02/97-AA]
SANDEEP PRAKASH, Director

Note : The principal Notification No. S.O. 84, dated the 9th January, 2001 was published in Gazette of India, Part II, Section 3, Sub-section (ii), dated the 20th January, 2001 and was subsequently amended by notification vide number S.O. 2580, dated 1st September, 2003.

रसायन और उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 17 मार्च, 2006

का. आ. 1182.—लोक परिसर (अनाधिकृत दखलकारों की बेदखली) अधिनियम, 1971 की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार नीचे दी गई सारिणी के कॉलम (1) में उल्लिखित अधिकारी को उक्त अधिनियम के प्रयोजनार्थ सरकार के राजपत्रित श्रेणी के अधिकारी के समतुल्य होने के नाते एतद्द्वारा सम्पदा अधिकारी नियुक्त करती है जो उसको प्रदत्त शक्तियों का प्रयोग करेगा और उक्त सारिणी के कॉलम (2) में उल्लिखित लोक परिसर संबंधी अधिनियम के अन्तर्गत संपदा अधिकारियों को सौंपे जाने वाले कर्तव्यों का निर्वहण करेगा।

सारिणी

अधिकारी का पदनाम	लोक परिसर की कोटियाँ
1	2
मुख्य प्रशासनिक अधिकारी, ब्रह्मपुत्र वैली फर्टिलाइजर्स कारपोरेशन लिमिटेड, नामरूप	ब्रह्मपुत्र वैली फर्टिलाइजर्स कारपोरेशन लिमिटेड, (तत्कालीन हिन्दुस्तान फर्टिलाइजर कारपोरेशन लिमिटेड) और उसकी टाउनशिप द्वारा अथवा के वास्ते, संबंधित अथवा पट्टे पर लिए परिसर

[फा. सं. 88/1/2006-मा सं-1]

आर. एन. दास, निदेशक

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Fertilizers)

New Delhi, the 17th March, 2006

S.O. 1182.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 the Central Government hereby appoints the officer mentioned in column (1) of table below, being an officer equivalent to the rank of Gazetted Officer of Government to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on Estate Officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of the public premises
1	2
Cheif Administrative Officer, Brahmaputra Valley Fertilizers Corporation Limited, Namrup	Premises belonging to. or taken on lease, by or on behalf of the Brahmaputra Valley Fertilizer-Corpo- ration Limited Erstwhile (Hindustan Fertilizer Corpo- ration Limited) and its township

[F. No. 88/1/2006-HR-I]
R.N. DASH, Director

शहरी विकास मंत्रालय

(भूमि तथा विकास कार्यालय)

नई दिल्ली, 23 मार्च, 2006

का. आ. 1183.—विस्थापित व्यक्तियों (मुआवजा तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) के भाग 3 के उप-भाग (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा श्री पी. एम. माधवन, अनुभाग अधिकारी को शहरी विकास मंत्रालय के भूमि तथा विकास कार्यालय में उपर्युक्त अधिनियम के तहत और द्वारा अपने कार्यों के अतिरिक्त बंदोबस्त-सह-प्रबंधक अधिकारी के कार्य-निष्पादन के लिए बंदोबस्त-सह-प्रबंधक अधिकारी भी नियुक्त करते हैं। वे दिल्ली तथा नई दिल्ली में सरकार द्वारा निर्मित सम्पत्तियों को लीज और हस्तांतरण विलेख को जारी करने तथा क्षतिपूर्ति पूल के अंश के रूप में दिल्ली तथा नई दिल्ली में ऐसी सम्पत्तियों से लागे हुए सुधार क्षेत्र तथा भूमि के अतिरिक्त टुकड़ों के आबंटन, लीज-डोड के संपरिवर्तन संबंधी कार्य देखेंगे।

[सं० ए-22012/1/02-प्रशासन (एल एण्ड डी ओ)/258]

पी. के. प्रधान, संयुक्त सचिव

MINISTRY OF URBAN DEVELOPMENT

(Land and Development Officer)

New Delhi, the 23rd March, 2006

S.O. 1183.—In exercise of the powers conferred by Sub-Section 1 of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints Sh. P.M. Madhavan, Section Officer in the Land and Development Office under Ministry of Urban Development to officiate as Settlement-cum-Managing Officer for the purpose of performing the duties of Settlement-cum-Managing Officer in addition to his own duties by or under the aforesaid Act in respect of issue of lease or conveyance deeds of Government Built Properties in Delhi and New Delhi and conversion of lease-deeds, allotment of additional strips of land and correctional areas adjoining such properties in Delhi and New Delhi forming a part of the compensation Pool.

[No. A-22012/1/02-Admn. (L&DO)/258]

P. K. PRADHAN, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 17 मार्च, 2006

का. आ. 1184.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1.	आई एस 3502 : 1994 - इस्पात की चारखानेदार प्लेटें-- विशिष्ट (दूसरा पुनरीक्षण)	संशोधन संख्या 2, दिसम्बर 2005 से आई एस 3502 : 1994	10 मार्च, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 4/टी-95]

एस. के. गुप्ता, वैज्ञानिक-एफ एवं प्रमुख (एमटीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 17th March, 2006

S.O.1184.— In pursuance of clause (b) of sub-rule (1) Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 3502 : 1994 — Steel Chequered Plates— Specification (Second Revision)	Amendment No.2, December 2005 to IS 3502 : 1994	10 March, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 4/T-95]

S. K. GUPTA, Sc-F & Head (MTD)

नई दिल्ली, 17 मार्च, 2006

का. आ. 1185.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आई एस 532:2006/समामेलन आई एस 5079-1969 साइकिल ट्यूब के वाल्व के वाल्व की ट्यूबें-विशिष्ट (तीसरा पुनरीक्षण)	आई एस 532:1979 आई एस 5079:1969	फरवरी 2006

1	2	3	4
2.	आई एस 625:2006 साइकिल-हैंडल बार-विशिष्ट (तीसरा पुनरीक्षण)	आई एस 625:1993	फरवरी 2006
3.	आई एस 1131:2006/समामेलन आई एस 11685:1986 साइकिल की तली की ब्रैकेट की धुरी-विशिष्ट (तीसरा पुनरीक्षण)	आई एस 1131:1985 आई एस 11685:1986	जनवरी 2006
4.	आई एस 3170 (भाग 1):2006/आई एस ओ 2697:1999 अंतर्दाही इंजन-ईंधन अंतःक्षेपण नोजल भाग 1 अंतःक्षेपण नोजल-साइज एस (दूसरा पुनरीक्षण)	आई एस 3170 (भाग 1):1997	फरवरी 2006
5.	आई एस 3170 (भाग 2):2006/आई एस ओ 4010:1998 अंतर्दाही इंजन-ईंधन अंतःक्षेपण नोजल भाग 2 अंशशोधन नोजल, विलम्ब पिन्टल टाइप (पहला पुनरीक्षण)	आई एस 3170 (भाग 2):1997	फरवरी 2006
6.	आई एस 3171 (भाग 2):2006/आई एस ओ 7026:1997 अंतर्दाही इंजन-ईंधन अंतःक्षेपण नोजल धारक भाग 2 चूड़ी चढ़े अंतःक्षेपण नोजल धारक टाइप 20, 21, 21.1 तथा 27 पिन्टल नोजल, धन नोजल, साइज एस, टाइप बी के लिए (पहला पुनरीक्षण)	आई एस 3171 (भाग 2):1997	फरवरी 2006
7.	आई एस 4045:2006/आई एस ओ 449:1997 पोत और समुद्रीय प्रौद्योगिक-चुम्बकीय दिक्सूचक कम्पस, दिगंश पठन युक्तियां और बक्स-वर्ग ए (दूसरा पुनरीक्षण)	आई एस 4045:1982	जनवरी 2006
8.	आई एस 8638:2006/आई एस ओ 2269:1992 पोतनिर्माण- श्रेणी ए के चुम्बकीय कम्पस, एजीमुत रीडिंग उपकरण और बिनेकल-परिक्षण और प्रमाणन (दूसरा पुनरीक्षण)	आई एस 8638:1989	जनवरी 2006
9.	आई एस 12978:2006/आई एस ओ 8667:1992 व्यावसायिक वाहन और बसें-क्रास-टूथ गियर बॉक्स फलैज, टाइप टी (पहला पुनरीक्षण)	आई एस 12978:1990	जनवरी 2006
10.	आई एस 13632:2005/आई एस ओ 8728:1987 पोतनिर्माण-समुद्री परिभारी-कम्पस (पहला पुनरीक्षण)	आई एस 13632:1993	दिसम्बर 2006
11.	आई एस 15632:2006/आई एस ओ 16165:2001 पोत और समुद्रीय प्रौद्योगिक-समुद्री पर्यावरण सुरक्षा-तेल के बिखराव की अनुक्रिया शब्दावली	—	जनवरी 2006
12.	आई एस 15634:2006/फोर्क-लिफ्ट ट्रक-फोर्क-आर्म एक्सटेंशन और टेलीस्कोपी फोर्क-आर्म-तकनीकी अभिलक्षण और सामर्थ्य संबंधी अपेक्षाएं	—	फरवरी 2006
13.	आई एस 15645:2006 वात्री कारें -हल्के मिश्र धातु पहिए- संघट्ट परीक्षण	—	फरवरी 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-16]

पी० सी० जोशी, निदेशक एवं प्रमुख (टी ई डी)

New Delhi, the 17th March, 2006

S.O. 1185.— In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl.NO.	No. year and title of the Indian Standards Established	No. and year and Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 532:2006 (Amalgamating IS 5079:1969) Bicycle tube valves and value Tubing—Specification (third revision)	IS 532:1979 IS 5079:1969	Feb. 2006
2.	IS 625:2006 Bicycle-Handle bars—Specification (third revision)	IS 625:1993	Feb. 2006
3.	IS 1131:2006 (Amalgamating IS 11685:1986) Bicycle bottom bracket axle—Specification (third revision)	IS 1131:1985 IS 11685:1986	Jan. 2006
4.	IS 3170 (Part 1): 2006/ISO 2697: 1999 Internal combustion engines-Fuel injection nozzles Part 1 Injection nozzles—Size S (second revision)	IS 3170 (Part 1): 1997	Feb. 2006
5.	IS 3170 (Part 2): 2006/ISO 4010: 1998 Internal combustion engines—Fuel injection nozzles Part 2 Calibrating nozzle, delay pintle type (First revision)	IS 3170 (Part 1): 1997	Feb. 2006
6.	IS 3171 (Part 2): 2006/ISO 7026: 1997 Internal combustion engines—Fuel injection nozzles holders Part 2 screw—Injection nozzle holders types 20, 21, 211 and 27 for pintle nozzle size S, Type (First revision)	IS 3171 (Part 1): 1997	Feb. 2006
7.	IS 4045 : 2006/ISO 449: 1997 Ships and marine technology Magnetic compasses, Binnacles and azimuth reading devices—Class A (second revision)	IS 4045 : 1982	Jan. 2006
8.	IS 8638 : 2006/ISO 2269: 1992 Shipbuilding—Class A magnetic compasses, azimuth reading devices and binnacles—Tests and certification (second revision)	IS 8638 : 1989	Jan. 2006
9.	IS 12978 : 2006/ISO 8667: 1992 Commercial vehicles and buses—Cross-tooth gearbox flanges, Type T (first revision)	IS 12978 : 1990	Jan. 2006
10.	IS 13632 : 2005/ISO 8728: 1987 Shipbuilding—Marine gyro-Compasses (first revision)	IS 13632 : 1993	Dec. 2005
11.	IS 15632 : 2006/ISO 16165: 2001 Ship and marine technology—Marine environment Protection—Terminology relating to oil spill response	—	Jan. 2006

1	2	3	4
12.	IS 15634 : 2006 Fork-Lift trucks, Fork-Arm extensions and telescopic fork-Arms—Technical characteristics and strength requirements	—	Feb. 2006
13.	IS 15645 : 2006 Passenger cars—Light alloy wheels—Impact test.	—	Feb. 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TED/G-16]

P. C. JOSHI, Director and Head (TED)

नई दिल्ली, 17 मार्च, 2006

का. आ. 1186.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या और वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1	आई एस 6344 : 2006 — कैडमियम धातु—विशिष्ट (दूसरा पुनरीक्षण)	आई एस 6344 : 1985	28 फरवरी, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कांनपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 9/टी-40]

एस. के. गुप्ता, वैज्ञानिक-‘एफ’ एवं प्रमुख (एमटीडी)

New Delhi, the 17th March, 2006

S.O.1186.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 6344 : 2006 — Cadmium Metal (second revision)	IS 6344 : 1985	28 February 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 9/T-40]

S. K. GUPTA, Sc-F & Head (MTD)

नई दिल्ली, 20 मार्च, 2006

का. आ. 1187.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1	15638 (भाग 2) : 2006, उच्च- वोल्टता आवेग परीक्षणों में मापन के लिए प्रयुक्त उपकरण और सॉफ्टवेयर भाग 2 आवेग वेवफार्मों के पैरामीटर ज्ञात करने के लिए प्रयुक्त सॉफ्टवेयर का मूल्यांकन	-	28 फरवरी, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ई टी-19/टी-19]

पी. के. मुखर्जी, वैज्ञा. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 20th March, 2006

S.O.1187.— In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian	No. and year of the Indian Standards, if any Standards superseded by the New Indian Standard	Date from Established
1	2	3	4
1.	IS 1568 (Part 2) : 2006, Instrument and software used for measurement in high- voltage impulse tests Part 2 Evaluation of software used for the determination of the parameters of impulse waveform	—	28 February, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 19/T-19]

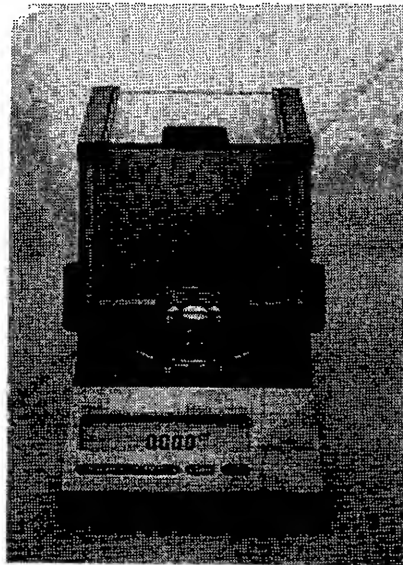
P. K. MUKHERJEE, Sc. F & Head (Electrotechnical)

नई दिल्ली, 7 मार्च, 2006

का.अ. 1188.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स 'मैटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, साकी बिहार रोड, मुंबई-400072' द्वारा निर्मित विशेष यथार्थता वर्ग (यथार्थता वर्ग-I) वाले "सी बी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/37 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल मोनोब्लॉक तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 610 कैरेट और न्यूनतम क्षमता 0.5 कैरेट है। सत्यापन मापमान अंतराल (ई) का मान 0.005 कैरेट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्राम या उससे अधिक के "ई" मान के लिए 50,000 या उससे अधिक की रेंज में सत्यापन मान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(333)/2005]

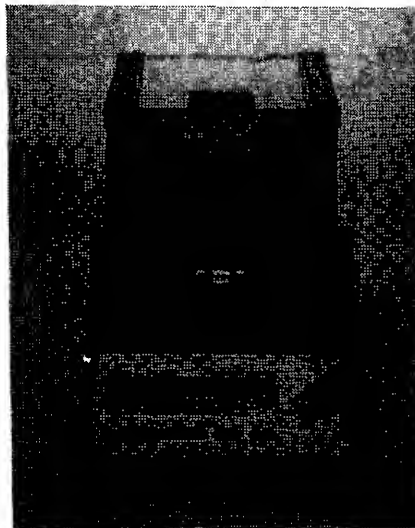
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1188.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication belonging to special accuracy (Accuracy class-I) of 'CB' series with brand name "Mettler Toledo" (herein referred to as the said model), manufactured by M/s. Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai-400072 and which is assigned the approval mark IND/09/2006/37;

The said Model is a mono-block technology based non-automatic weighing instrument (Table top type). Its maximum capacity is 610 ct and minimum capacity 0.5 ct. The value of verification scale interval (e) is 0.005 ct (d=0.1mg). It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg or equivalent unit in carat with verification scale interval(n) in the range of 50,000 or more for 'e' value of 1mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(333)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

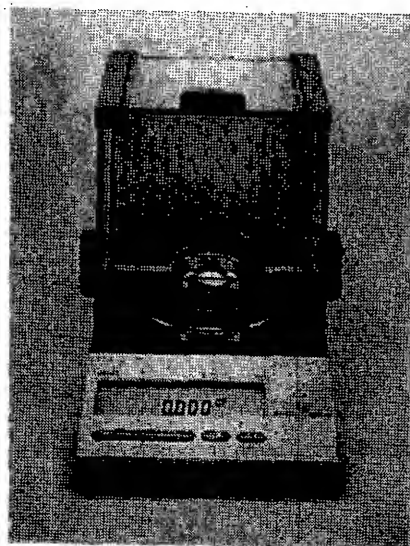
नई दिल्ली, 7 मार्च, 2006

का.आ. 1189.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैटलर टोलेडो इंडिया प्राईवेट लिमिटेड, अमर हिल्स, साकी विहार रोड, मुंबई-400072 द्वारा निर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "सी बी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/38 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल मोनोब्लॉक तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 122 ग्राम और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल. ई. डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 ग्राम तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(333)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1189.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication belonging to high accuracy (Accuracy class-II) of 'CB' series with brand name "Mettler Toledo" (herein referred to as the said model), manufactured by M/s Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai-400072 and which is assigned the approval mark IND/09/2006/38;

The said Model is a mono-block technology based non-automatic weighing instrument (Table top type). Its maximum capacity is 122g. and minimum capacity 200mg. The value of verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

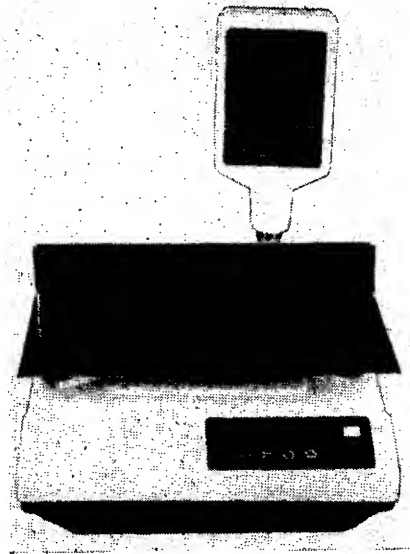
[F. No. WM-21(333)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1190.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंपायर वेइंग सिस्टम्स प्राइवेट लिमिटेड, गार्गो बिल्डिंग, शक्ति नगर, शूतररोड, अलीगढ़-202001 उ.प्र. द्वारा निर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एलएटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "लैक्ससकोजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/802 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्राम और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टायिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

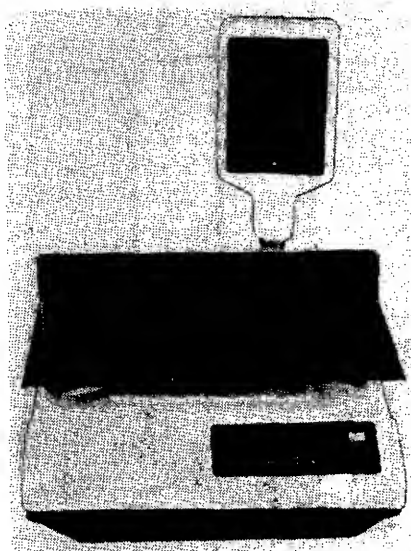
[पत्र. सं. डब्ल्यू एम-21(315)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1190.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "LAT" series of high accuracy (Accuracy class-II) and with brand name "LEXUSCOZY" (hereinafter referred to as the said model), manufactured by M/s. Empire Weighing System Private Limited, Gargo Building, Shakti Nagar, Gular Road, Aligarh-202001, Uttar Pradesh and which is assigned the approval mark IND/09/05/802;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

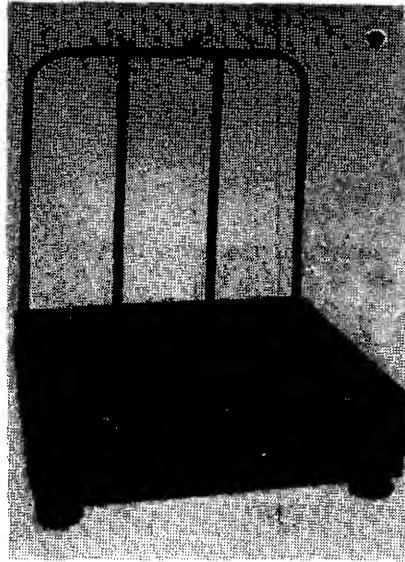
[F. No. WM-21(315)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1191.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंपायर वेइंग सिस्टम्स प्राइवेट लिमिटेड, गार्गो बिल्डिंग, शक्ति नगर, शुतररोड, अलीगढ़-202001 उ.प्र. द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एलएटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "लैक्ससकोजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/803 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्राम और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 किलोग्राम से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

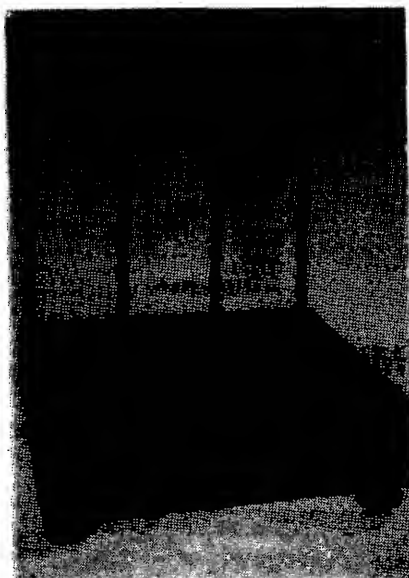
[फा. सं. डब्ल्यू एम-21(315)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1191.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "LAP" series of medium accuracy (Accuracy class-III) and with brand name "LEXUSCOZY" (hereinafter referred to as the said model), manufactured by M/s. Empire Weighing System Private Limited, Gargo Building, Shakti Nagar, Gular Road, Aligarh-202001, Uttar Pradesh and which is assigned the approval mark IND/09/2005/803;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

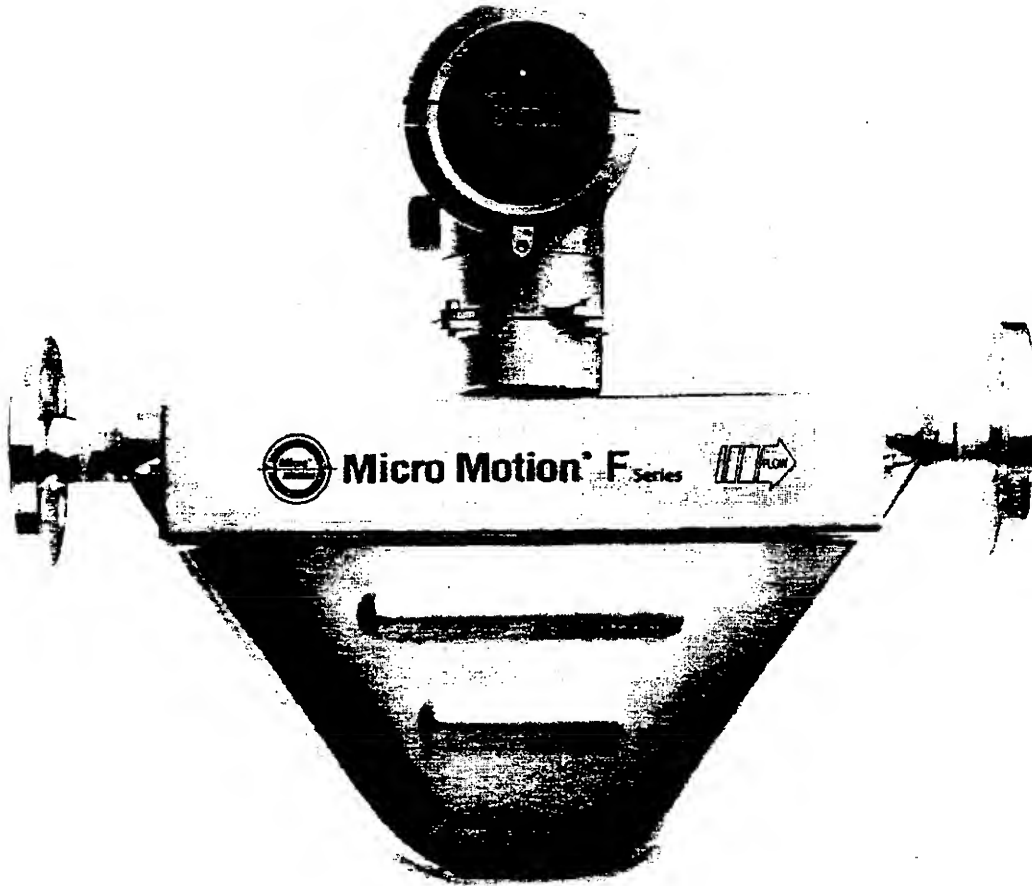
[F. No. WM-21(315)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1192.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एमर्सन प्रोसेस मैनेजमेंट इण्डिया प्राइवेट लिमिटेड, आयल एण्ड गैस सेक्टर, मॉड्रन मिल्स कम्पाउंड, डी विंग, दूसरा तल, साने गुरुजी मार्ग, जैकब सर्किल, महालक्ष्मी, मुंबई-400011 द्वारा विनिर्मित द्रव माप दर्शाने के लिए दो लाइन डिस्प्ले सहित 17100 के इलेक्ट्रॉनिक ट्रांसमीटर के साथ एफ 100 एस 129 एससीएजेडईजेडजेडजेडजेड ब्राण्ड के कोरियोलिस मास फ्लो के मॉडल जिसे अनुमोदन चिह्न आई एन डी/11/2006/16 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक मास फ्लो मीटर है जो द्रव को मापने के लिए प्रयोग में लाए जाने वाले डिजाइटल प्रदर्शक के साथ कार्यालय माप सद्धान्त पर कार्य करता है। परीक्षण ओ आई एम एल आर 105-“डिरेक्ट मास फ्लो मीसयरिंग सिस्टम फॉर क्वांटिटिज ऑफ लिक्विड्स” में यथा निर्धारित सामान्य नार्म के अनुसार किये गये। उसका तकनीकी ब्यौरा इस प्रकार से है—

प्रकार - एफ 100

मॉडल संख्या- एफ 100 एस 129 एससीएजेडईजेडजेडजेडजेड

आकार-25 एमएम

यथार्थता- $\pm 0.20\%$ की दर

रिपेटिबिलिटी- $\pm 0.10\%$ की दर

नॉमिनल फ्लो रेंज-13600 किलोग्राम/घण्टा

एम्बियन्ट ताप सीमा- 40°C से 60°C

आर्द्रता सीमा-5 से 95% गैर कन्डेसिंग

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

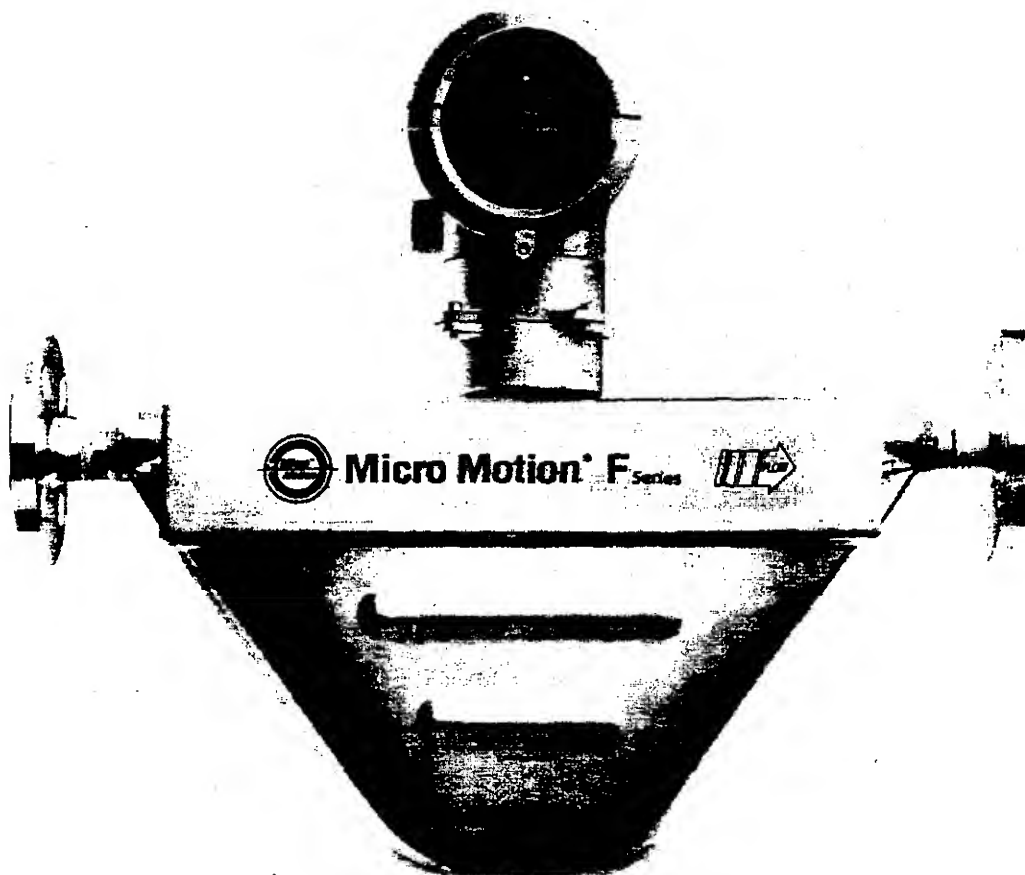
[फा. सं. डब्ल्यू एम-21(38)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006.

S.O. 1192.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the Coriolis Mass Flow Meter with brand F 100S129 SCAZEZZZZ along with electronic transmitter of 17100 with tow line display for liquids measurement manufactured by M/s. Emerson Process Management India Private Limited, Oil & Gas Sector, Modern Mills Compound, D-Wing, 2nd Floor, Sane Guruji Marg, Jacob Circle, Mahalaxmi, Mumbai-400011, Maharastra and which is assigned the approval mark IND/11/06/16;



The said Model is a Mass Flow meter working on the principle of Coriolis measuring principle with digital indication used for measuring liquid. The test was conducted as per the general norms laid down in the OIML R 105- "Direct Mass Flow Measuring Systems for quantities of liquids". The technical details are as follows—

Type- F100

Model No.-F 100 S 129 SCAZEZZZZ

Size- 25mm

Accuracy- +/-0.20% of rate.

Repeatability- +/-0.10% of rate

Nominal Flow Range- 13600kg/hr

Ambient temperature limit- -40 °C to 60 °C

Humidity limit- 5 to 95% non-condensing.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

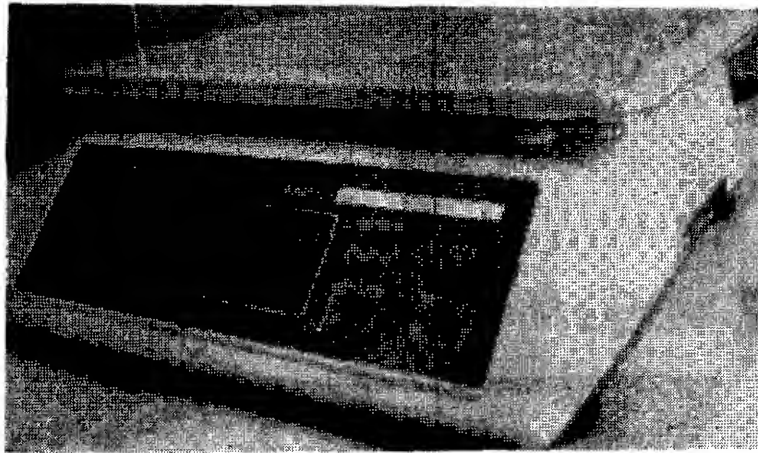
[F. No. WM-21(38)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1193.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ग्रेट इस्टर्न इम्पैक्स प्राइवेट लिमिटेड, सं. 285, उद्योग विहार, फेज-II, गुडगांव-122016 हरियाणा द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एएक्सएम" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "यू ए ई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/92 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) का है। इसकी अधिकतम क्षमता 6 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(352)/2005]

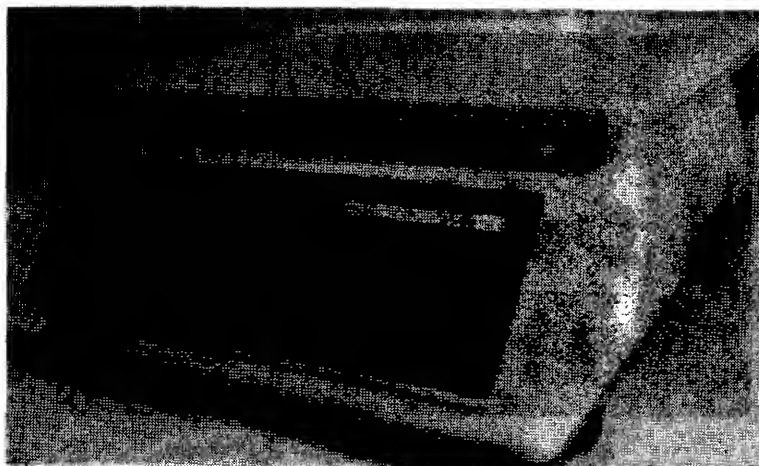
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O.1193.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "AXM" series of medium accuracy (Accuracy class-III) and with brand name "UWE" (hereinafter referred to as the said model), manufactured by M/s Great Eastern Impex Pvt. Ltd., 285, Udyog Vihar, Phase-II, Gurgaon-122016 and which is assigned the approval mark IND/09/05/92;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 6kg. and minimum capacity 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

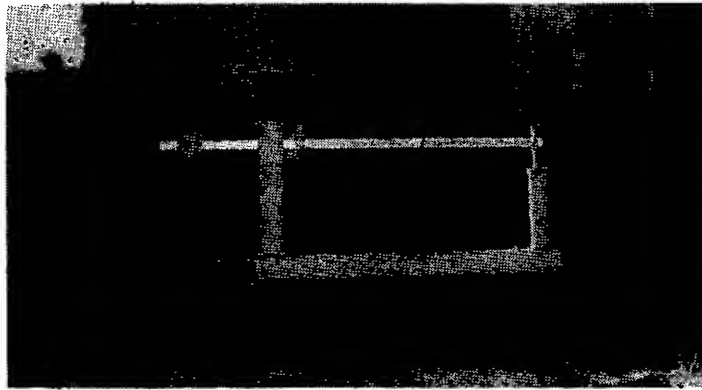
[F. No. WM-21(352)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ.1194.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विशम्भर सहाय सोमदत्त, सं. 86, भोपखोड नार्थ, नई मंडी, मुजफ्फर नगर-251001, उ.प्र. द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बीएस" शृंखला के सादृश सूचन सहित, अस्वचालित तोलन उपकरण (तोलनपुल-स्टीलयार्ड प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बीएस स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/796 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल कंपाउंड लीवर आधारित यांत्रिक प्रकार (तोलनपुल-स्टील यार्ड प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि.ग्रा. है तथा मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(313)/2004]

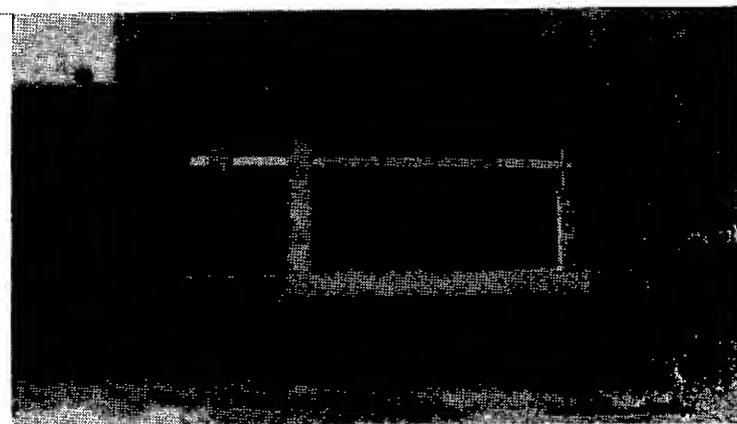
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O.1194.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge-Steel yard Type) with analogue indication (hereinafter referred to as the said model) belonging to medium accuracy class (accuracy class-III) and "BSS" series with brand name "B S Scale", manufactured by M/s. Vishvambhar Sahai Som Dutt, No. 86, Bhopa Road, North, New Mandi, Muzaffernagar-251001, Uttar Pradesh and which is assigned the approval mark IND/09/2005/796;

The said model is a mechanical type compound lever based non-automatic weighing instrument (Weighbridge-Steelyard type) with analogue indication of maximum capacity 50 tonne, minimum capacity 100 kg. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 5 kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(313)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ.1195.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेम वेईंग स्केल, ए-131, करनी नगर, लालगढ़ बीकानेर-334001 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पी डब्ल्यू टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “चेतक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/245 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वचालित (टेबलटोप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

— स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही सेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

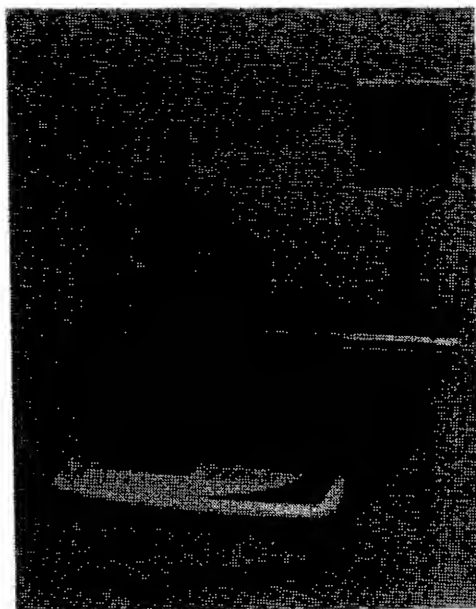
[फा. सं. डब्ल्यू एम-21(68)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1195.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "PWT" series of medium accuracy (Accuracy class-III) and with brand name "CHETAK" (herein referred to as the said Model), manufactured by M/s Prem Weighing Scale, A-131, Karani Nagar, Lalgah, Bikaner-334001 and which is assigned the approval mark IND/09/2005/245;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

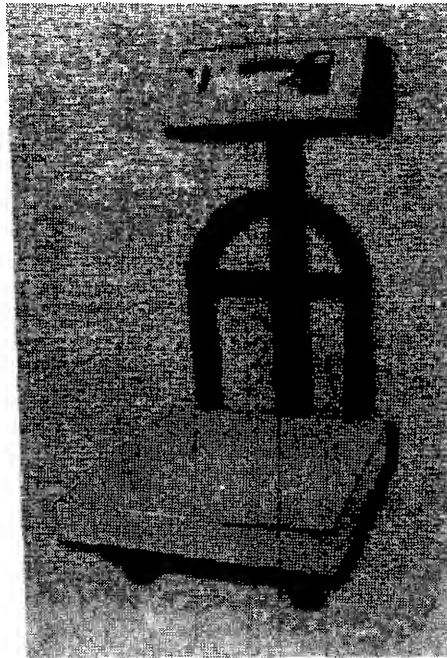
[F. No. WM-21(68)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1196.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेम वेईंग स्केल, ए-131, करनी नगर, लालगढ़, बीकानेर-334 001 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “पी डब्ल्यू पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “चेतक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/246 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सस्थापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टायिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सस्थापन मान सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^5 , 2×10^5 या 5×10^5 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

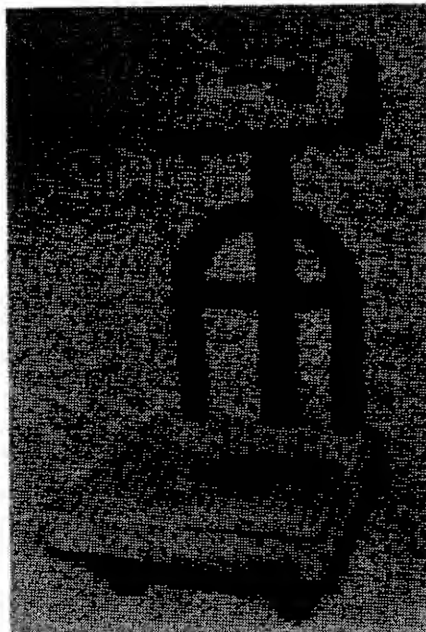
[फा. सं. डब्ल्यू एम-21(68)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1196.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "PWP" series of medium accuracy (Accuracy class-III) and with brand name "CHETAK" (hereinafter referred to as the said model), manufactured by M/s Prem Weighing Scale, A-131, Karani Nagar, Lalgargh, Bikaner-334 001 and which is assigned the approval mark IND/09/2005/246;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 1000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved Model has been manufactured.

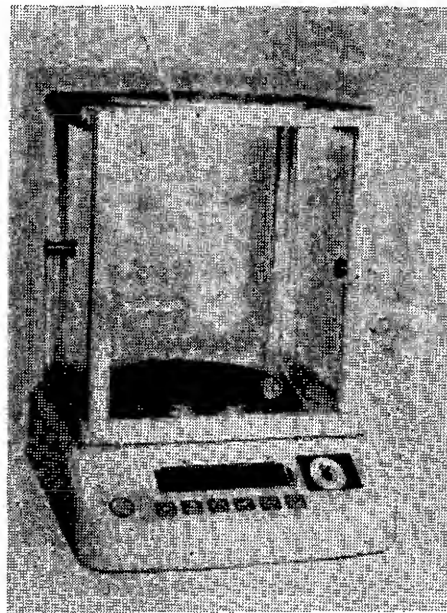
[F. No. WM-21(68)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1197.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेम वेईंग स्केल, ए-131, करनी नगर, लालगढ़, बीकानेर-334001 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "पी डब्ल्यू ई" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "चेतक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/244 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 250 ग्रा और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

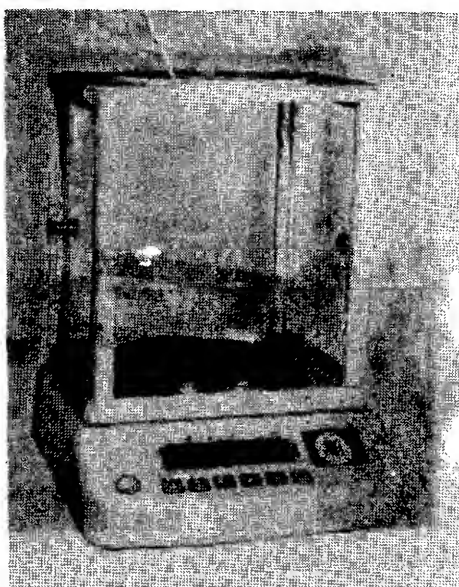
[फा. सं. डब्ल्यू एम-21(68)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1197.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "PWE" series of high accuracy (Accuracy class-II) and with brand name "CHETAK" (hereinafter referred to as the said Model), manufactured by M/s Prem Weighing Scale, A-131, Karani Nagar, Lalgah, Bikaner-334 001 and which is assigned the approval mark IND/09/2005/244;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 250 g. and minimum capacity 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000, to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

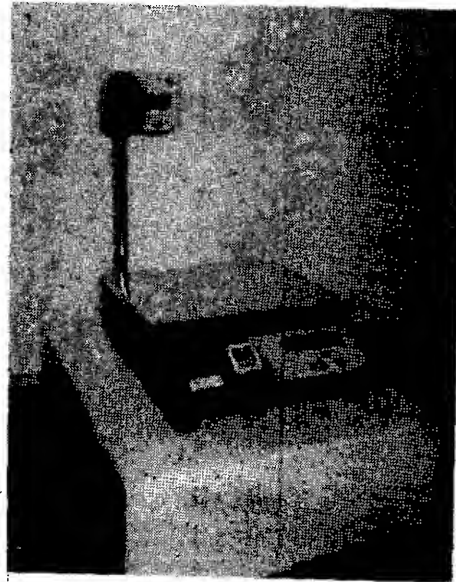
[F. No. WM-21(68)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1198.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेई मैक्स स्केल इण्डस्ट्रीज, #12, 6, मैन रोड, सीकांतेवर नगर, नंदिनी लेआउट, बंगलौर-560096 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-II) वाले "डब्ल्यू एम एक्सजेपी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेई मैक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/547 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

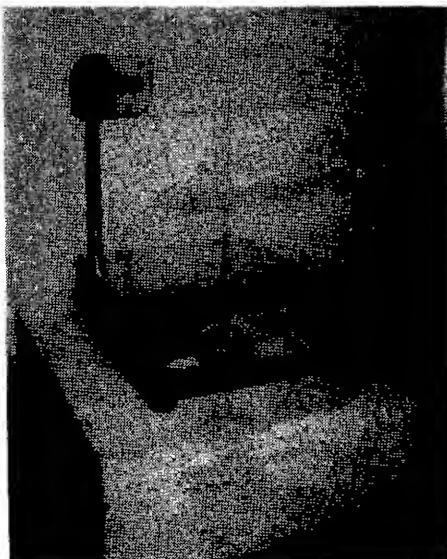
[फा. सं. डब्ल्यू एम-21(123)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1198.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of series "WMX-JP" of high accuracy (Accuracy class-II) and with brand name "WEIGHMAX" manufactured by M/s Weigh Max Scale Industries, #12, 6th Main Road, Sreekanteswara Nagar, Nandini Layout, Bangalore-560 096 and which is assigned the approval mark IND/09/05/547;



The said Model is a strain gauge type load cell based non-automatic Weighing instrument (Table Top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50kg and with number verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(123)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1199.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेई मैक्स स्केल इण्डस्ट्रीज, #12, 6, मैन रोड, सीकोंतेवर नगर, नंदिनी लेआउट, बंगलौर-560096 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू एम एक्स-पीटी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेई मैक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/548 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(123)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O.1199.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "WMX-PT" of medium accuracy (Accuracy class-III) and with brand name "WEIGHMAX" manufactured by M/s Weigh Max Scale Industries, #12, 6th Main Road, Sreekanthswara Nagar, Nandini Layout, Bangalore-560 096 and which is assigned the approval mark IND/09/05/548;



The said Model is a strain gauge type load cell based Weighing instrument with a maximum capacity of 1000 kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity above 50kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

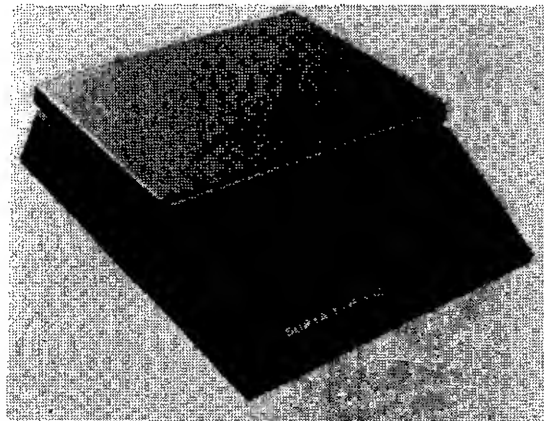
[F. No. WM-21(123)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1200.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निसान इलैक्ट्रॉनिक्स, 83/16, प्रथम तल, गंगा निवास, गडवे कालोनी, शास्त्री नगर, पाउडरोड, पुणे-411029 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “टी टी एच” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “निसान” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/787 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 22 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

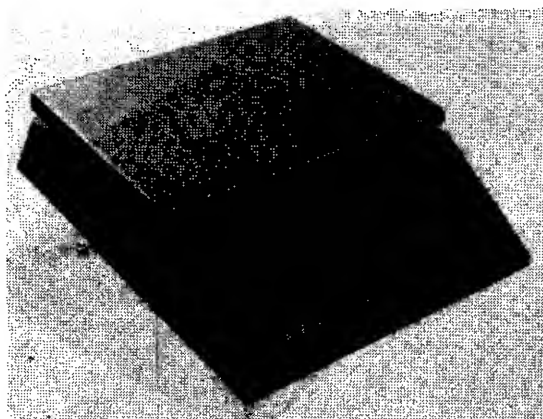
[फा. सं. डब्ल्यू एम-21(316)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1200.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of series "TTH" of high accuracy (Accuracy class-II) and with brand name "NISAN" manufactured by M/s Nisan Electronics, 83/16, 1st Floor, Ganga Niwas, Near Gadwe Colony, Shastrinagar, Paudroad, Pune-411 029 and which is assigned the approval mark IND/09/05/787;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

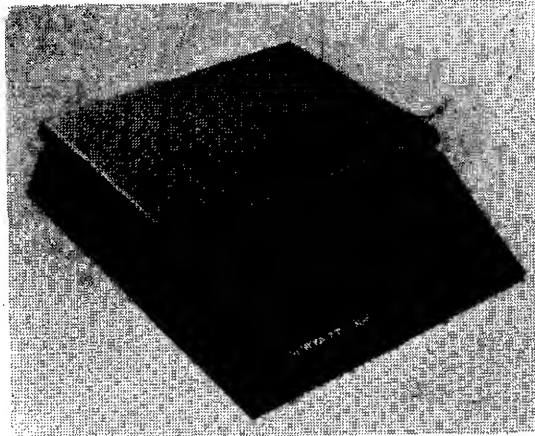
[F. No. WM-21(316)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1201.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निसान इलेक्ट्रॉनिक्स, 83/16, प्रथम तल, गंगा निवास, गडवे कालोनी, शास्त्री नगर, पाउडरोड, पुणे-411029 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टी टी-305" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "निसान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/788 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. 15 कि. ग्रा. तक और 5 ग्रा. 15 कि. ग्रा. से अधिक 30 कि. ग्रा. तक है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टायिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

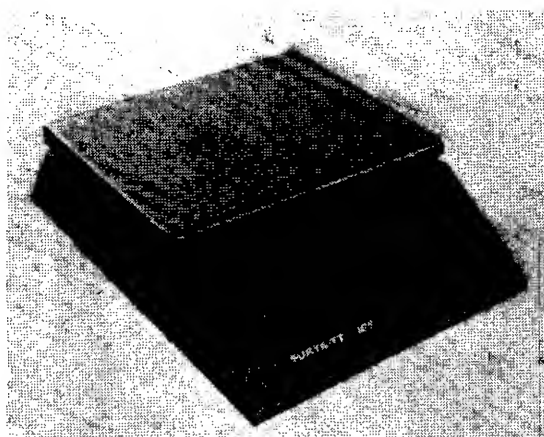
[फा. सं. डब्ल्यू एम-21(316)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1201.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) dual weighing instrument with digital indication of "TT-305" of medium accuracy (Accuracy class-III) and with brand name "NISAN" manufactured by M/s. Nisan Electronics, 83/16, 1st Floor, Ganga Niwas, Near Gadwa Colony, Shastrinagar, Paudroad, Pune-411 029 and which is assigned the approval mark IND/09/05/788;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. up to 15 kg. and 5g. above 15 kg. and up to 30 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

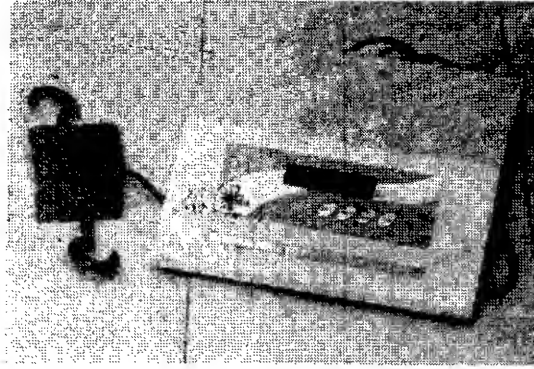
[F. No. WM-21(316)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1202.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निसान इलैक्ट्रॉनिक्स, 83/16, प्रथम तल, गंगा निवास, गडवे कालोनी, शास्त्री नगर, पाउडरोड, पुणे-411029 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एच एस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (हेंगिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम "निसान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/790 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 500 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

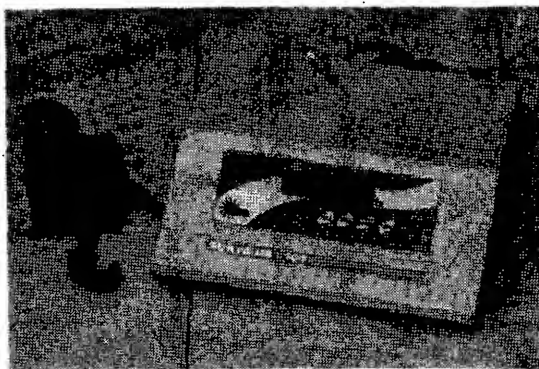
[फा. सं. डब्ल्यू एम-21(316)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1202.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Hanging type) weighing instrument with digital indication of series "HS" of medium accuracy (Accuracy class-III) and with brand name "NISAN" manufactured by M/s Nisan Electronics, 83/16, 1st Floor, Ganga Niwas, Near Gadwa Colony, Shastrinagar, Paudroad, Pune-411 029 and which is assigned the approval mark IND/09/05/790;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100 kg and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of same series with maximum capacity above to 50 kg. and up to 500 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

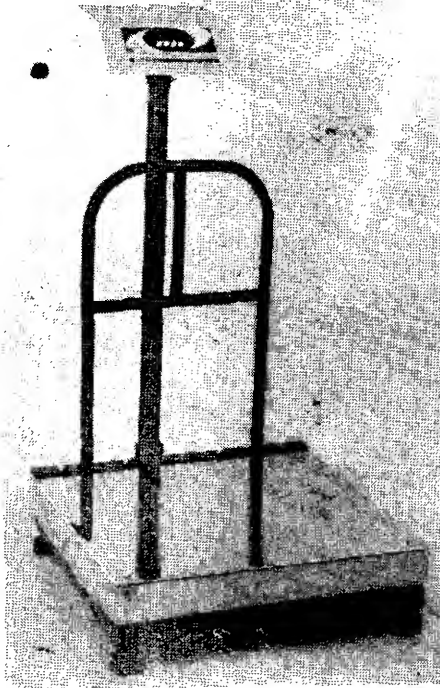
[F. No. WM-21(316)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1203.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निसान इलैक्ट्रॉनिक्स, 83/16, प्रथम तल, गंगा निवास, गडवे कालोनी, शास्त्री नगर, पाठडरोड, पुणे-411029 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एफ" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "निसान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/789 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 500 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

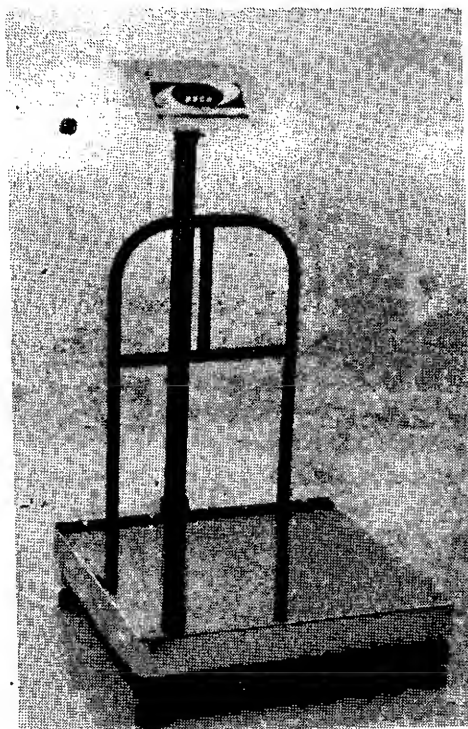
[फा. सं. डब्ल्यू एम-21(316)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1203.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of series "PF" of medium accuracy (Accuracy class-III) and with brand name "NISAN" manufactured by M/s Nisan Electronics, 83/16, 1st Floor, Ganga Niwas, Near Gadwe Colony, Shastrinagar, Paudroad, Pune-411 029 and which is assigned the approval mark IND/09/05/789;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100 kg and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50 kg and up to 500 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

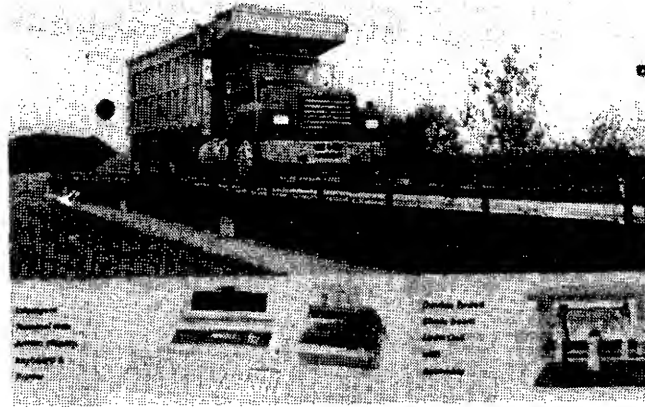
[F. No. WM-21(316)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1204.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स फिजिट्स इंस्ट्रुमेंट्स नं० जी/4, कालपी काम्पलैक्स, दानी लिमदा, नारोल रोड, अहमदाबाद, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एपी डब्ल्यू-40 टी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ऐपेक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/119 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वे ब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

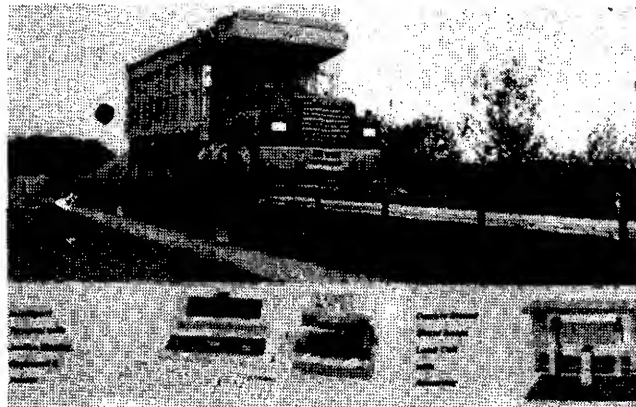
[फा. सं. डब्ल्यू एम-21(344)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1204.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series 'APW-40T,' and with brand name "APEX" (hereinafter referred to as the said Model), manufactured by M/s. Fijitsu Instruments, No. G/4 Kalapi Complex, Dani Limda, Narol Road, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/119;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

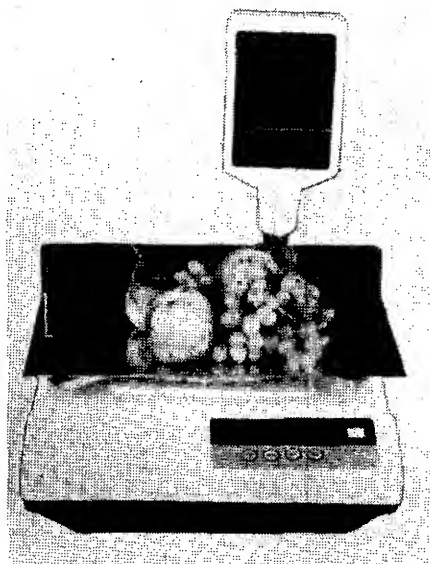
[F. No. WM-21(344)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1205.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स के०के० इन्टरनेशनल, ए एल-53, दीनदयाल नगर, फेस-I, मुरादाबाद, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "आर ई टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रेगल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/124 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि० ग्रा० से 50 मि० ग्रा० के 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि० ग्रा० या उससे अधिक के 'ई' मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई', मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

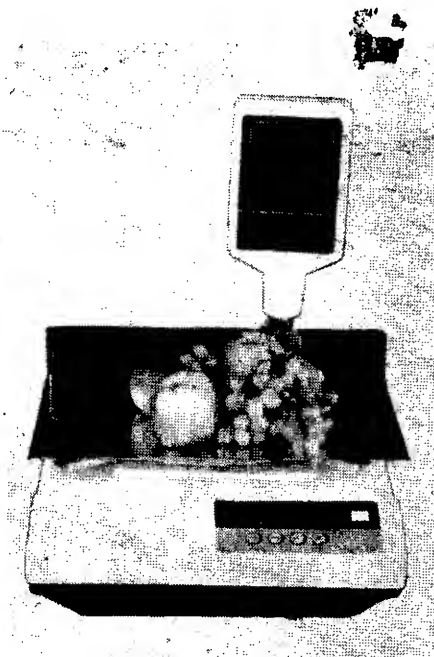
[फा. सं. डब्ल्यू एम-21(353)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1205.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "RET" and with brand name "REAGLE" (hereinafter referred to as the said model), manufactured by M/s K.K. International, AL-53, Dindayal Nagar, Phase-I, Moradabad, Uttar Pradesh and which is assigned the approval mark IND/09/06/124;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with ~~maximum~~ capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

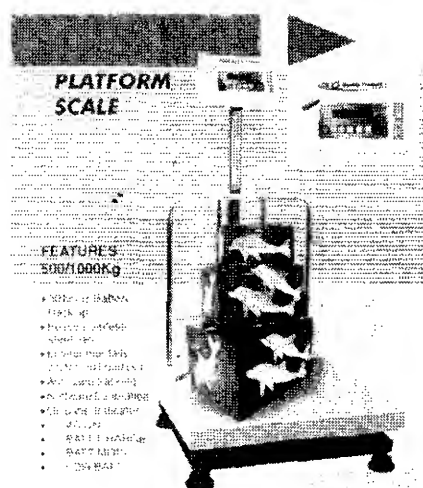
[F. No. WM-21(353)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आं. 1206.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स के०के० इन्टरनेशनल, ए एल- 53, दीनदयाल नगर, फेस-1, मुरादाबाद, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “आर ई पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “रेगल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/125 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 किलो ग्राम है और न्यूनतम क्षमता 2 किलो ग्राम है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(353)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1206.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "REP" and with brand name "REAGLE" (hereinafter, referred to as the said model), manufactured by M/s K.K. International, AL-53, Dindayal Nagar, Phase-I, Moradabad, Uttar Pradesh and which is assigned the approval mark IND/09/06/125:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section 12 of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(353)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1207.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सारटोरियस मैकेट्रॉनिक्स इंडिया प्राइवेट लिमिटेड, 10, थर्ड फेज, पीनिया, छठा मेन, के आई ए डी बी इंडस्ट्रियल एरिया, बंगलौर-560058, कर्नाटक द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-I) वाले "ई एल टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सारटोरियस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/68 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 100 ग्राम है और न्यूनतम क्षमता 100 मि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी उक्त मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धान्त आदि के आधार पर बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 से अधिक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

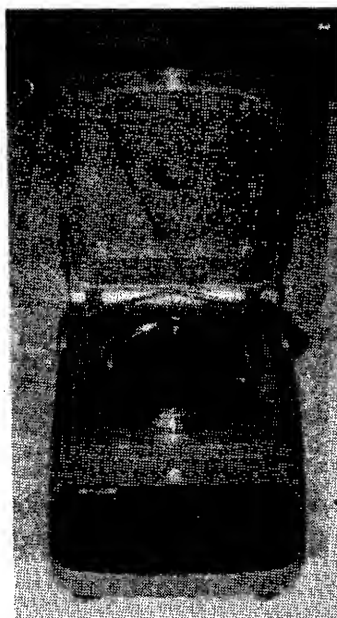
[फा. सं. डब्ल्यू एम-21(303)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1207.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication belonging to special accuracy (Accuracy class-I) of "ELT" series with brand name "SARTORIOUS" (herein referred to as the said model), manufactured by M/s Sartorius Mechatronics India Pvt. Ltd., 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/2006/68;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) Its maximum capacity is 100g and minimum capacity is 100mg. The value of verification scale interval (e) is 1mg. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 50,000 and above for 'e' value of 1mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(303)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1208.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सारटोरियस मैकेट्रॉनिक्स इंडिया प्राइवेट लिमिटेड, 10, थर्ड फेज, पीनिया, छठा मेन, के आई ए डी बी इंडस्ट्रियल एरिया, बंगलौर-560058, कर्नाटक द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “ई एल टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सारटोरियस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/69 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 200 ग्रा. है और न्यूनतम क्षमता 200 मि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धान्त आदि के आधार पर बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

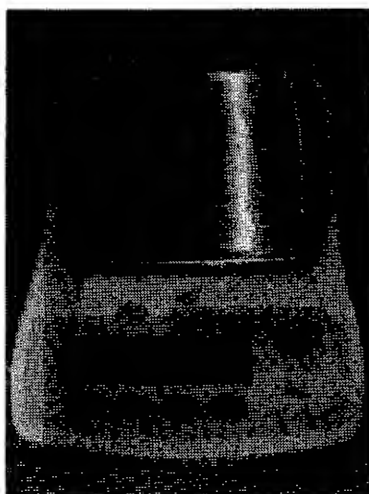
[फा. सं. डब्ल्यू एम-21(303)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1208.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication belonging to high accuracy (Accuracy class-II) of "ELT" series with brand name "SARTORIOUS" (herein referred to as the said model), manufactured by M/s. Sartorius Mechatronics India Pvt. Ltd., 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/2006/69;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type). Its maximum capacity is 200g and minimum capacity 200mg. The value of verification scale interval (e) is 10.mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) Indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

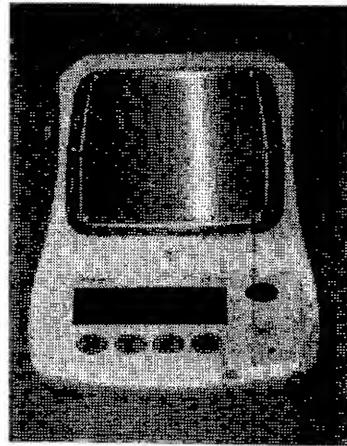
[F. No. WM-21(303)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1209.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सारटोरियस मैकेट्रोनिक्स इंडिया प्राइवेट लिमिटेड, 10, थर्ड फेज, पीनिया, छठा मेन, के आई ए डी बी इंडस्ट्रियल एरिया, बंगलौर-560058, कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ई एल टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सारटोरियस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/70 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 6000 ग्रा. है और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धान्त आदि के आधार पर बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. 2 ग्रा. तक "ई" मान के लिए 100 से 10000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

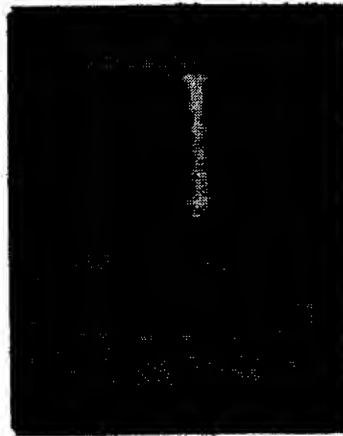
[फा. सं. डब्ल्यू एम-21(303)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1209.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication belonging to medium accuracy (Accuracy class-III) of "ELT" series with brand name "SARTORIOUS" (herein referred to as the said model), manufactured by M/s. Satorious Mechatronics India Pvt. Ltd., 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/2006/70;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type). Its maximum capacity is 6000 g. and minimum capacity of 20 g. The value of verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) Indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

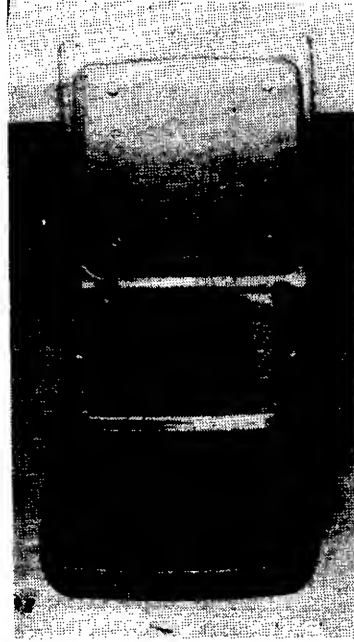
[F. No. WM-21(303)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1210.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सारटोरियस मैकेट्रॉनिक्स इंडिया प्राइवेट लिमिटेड, 10, थर्ड फेज, पीनिया, छत्र मेन, के आई ए डी बी इंडस्ट्रियल एरिया, बंगलूर-560058, कर्नाटक द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-I) वाले "बी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सारटोरियस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/71 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक मोनोलिथिक टेक्नालॉजी प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 420 ग्रा. है और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धान्त आदि के आधार पर बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 से अधिक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

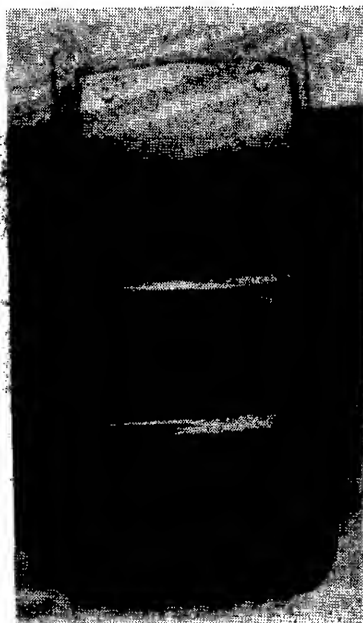
[फा. सं. डब्ल्यू एम-21(303)/2005]

पी. ए. कुष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1210.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication belonging to special accuracy (Accuracy class-I) of "BT" series with brand name "SARTORIOUS" (herein referred to as the said model), manufactured by M/s. Sartorius Mechatronics India Pvt. Ltd., 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/2006/71;



The said model is a monolithic technology based non-automatic weighing instrument (Table top type). Its maximum capacity of 420 g. and minimum capacity of 100 mg. The value of verification scale interval (e) is 1 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section 12 of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 50,000 and above for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufacturer by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

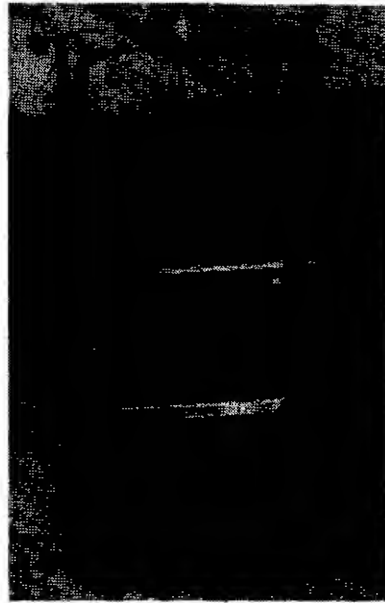
[F. No. WM-21(303)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1211.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सारटोरियस मैकेट्रॉनिक्स इंडिया प्राइवेट लिमिटेड, 10, थर्ड फेज, पीनिया, छठा मेन, के आई ए डी बी इंडस्ट्रियल एरिया, बंगलौर-560058, कर्नाटक द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-I) वाले "बी एस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सारटोरियस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन क्रि.आई एन डी/09/2006/72 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक मोनोलिथिक टेक्नालॉजी प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 420 ग्रा. है और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धान्त आदि के आधार पर बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 से अधिक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

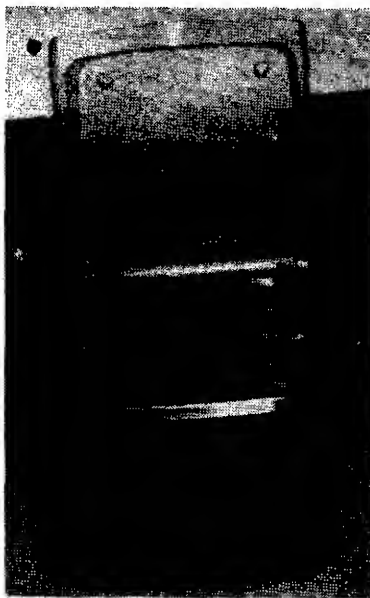
[फ. सं. डब्ल्यू एम-21(303)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1211.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of, non-automatic weighing instrument (Table top type) with digital indication belonging to special accuracy (Accuracy class-I) of "BS" series with brand name "SARTORIOUS" (herein referred to as the said model), manufactured by M/s. Sartorius Mechatronics India Pvt. Ltd., 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/2006/72;



The said model is a monolithic technology based non-automatic weighing instrument (Table top type). Its maximum capacity is 420 g. and minimum capacity of 100 mg. The value of verification scale interval (e) is 1mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) Indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 50,000 and above for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(303)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1212.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स हाई-टेक इंजीनियर, # 79, रातामबाल स्ट्रीट, चेटपेट, चेन्नई-600031, तमिलनाडु द्वारा निर्मित "हई-टेक 009" शृंखला के मॉडल का, जिसके ब्रांड का नाम "एक्यूरेट" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/545 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित भरात्मक भरण मशीन (नेट वेइट) यथार्थता वर्ग.-X(i) है। इसकी अधिकतम क्षमता 100 कि.ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। निर्वात पुष्पित प्रदर्श (बी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। मशीन को गेहूं, दालें, चावल, दाने, बीज इत्यादि मुक्त बहने वाले सभी प्रकार के उत्पादों द्रव्य और अर्ध द्रव्य आदि को भरने के लिए डिजाइन किया गया है।



स्ट्रामिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 कि.ग्रा. से 100 कि. ग्रा. तक के रेंज में हैं।

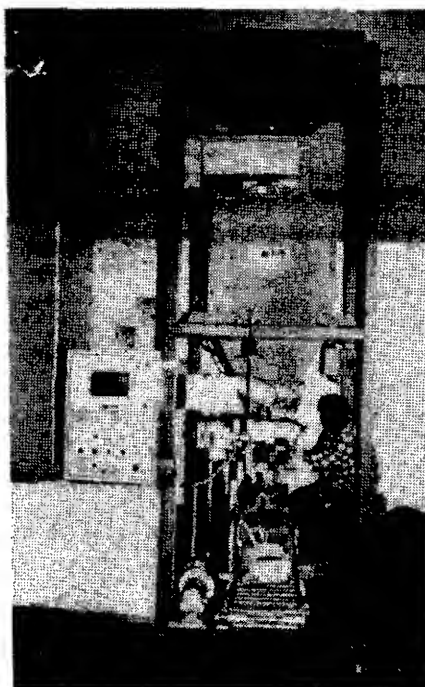
[फा. सं. डब्ल्यू एम-21(117)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1212.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument of 'Hi-Tech-009' series with brand name 'Accurate' (herein referred to as the said Model), manufactured by M/s. Hi-Tech Engineers, #79, Ralambal Street, Chetpet, Chennai-600 031, Tamil Nadu and which is assigned the approval mark IND/09/05/545;



The said model is a strain gauge type load cell based automatic gravimetric filling instrument (net weigher) of accuracy class-3(1). Its maximum capacity is 100 kg. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Vacuum Florescent Display (VFD) indicates weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply. The machine is designed for filling of all type free flowing products such as wheat, pulses, rice, grains, seeds etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic gravimetric filling instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 10kg. to 100 kg. manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(117)/2005]

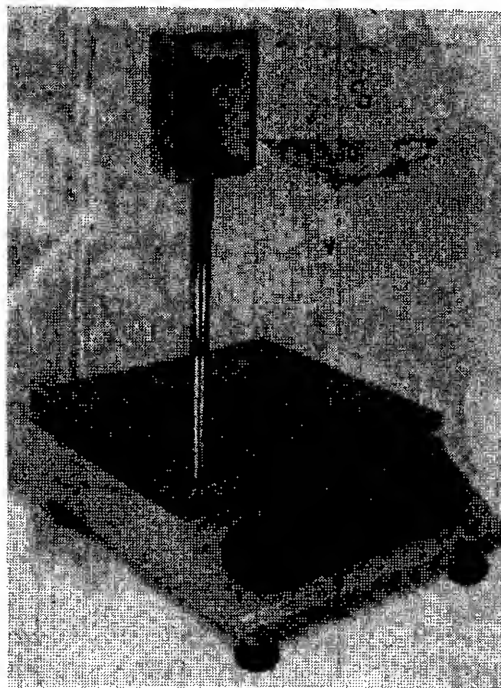
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1213.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एरिस्टोज वेईंग मशीन्स, आर. एम. टावर्स # 107, चैमियर्स रोड, तेयनामपेट, चेन्नई-600018 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ए डब्ल्यू एम-टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एरिस्टोज” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/830 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (टेबल टॉप प्रकार का) असवचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्राम है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम तक “ई” मान के लिए 100 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक “ई” मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(65)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1213.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of series 'AVM-T' of medium accuracy (accuracy class-III) and with brand name "ARISTOS" manufactured by M/s. Aristo's Weighing Machines, "RM Towers", #107, Chamiers Road, Teynampet, Chennai—6000 18 and which is assigned the approval mark IND/09/2005/830;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2 g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(65)/2002]

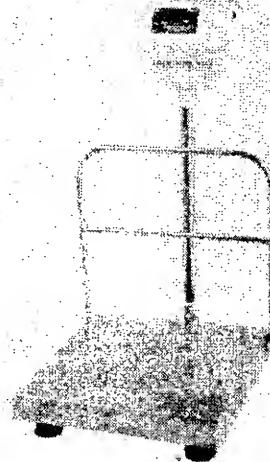
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1214.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एरिस्टोज वेईग मशीन्स, आर. एम. टावर्स # 107, चैमियर्स रोड, तेयनामपेट, चेन्नई-600018 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ए डब्ल्यू एम-पी टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एरिस्टोज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/831 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (प्लेट फार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. है और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(65)/2002]

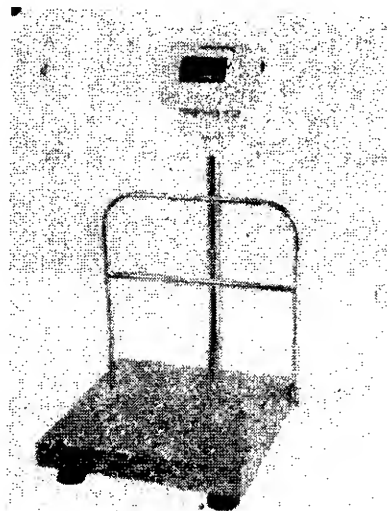
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1214.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of series 'AWM-PT' of medium accuracy (Accuracy class-III) and with brand name "ARISTOS" manufactured by M/s. Aristo's Weighing Machines, "RM Towers", #107, Chamiers Road, Teynampet, Chennai-600 018 and which is assigned the approval mark IND/09/2005/831;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

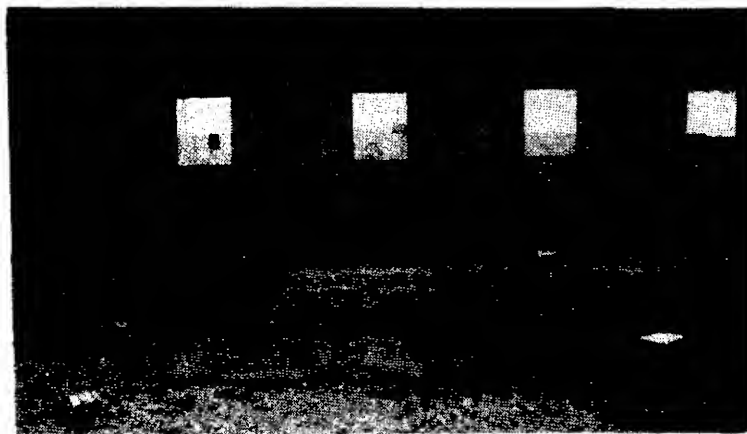
[F. No. WM-21(65)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1215.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एरिस्टोज वेईंग मशीन्स, आर. एस. टावर्स # 107, चैमियर्स रोड, तेयनामपेट, चेन्नई-600 018 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ए डब्ल्यू एम-डब्ल्यू बी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एरिस्टोज" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/832 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल अस्वचालित तोलन उपकरण (वेब्रिज प्रकार का) है। इसकी अधिकतम क्षमता 40000 कि. ग्रा. है और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 10 कि. ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(65)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1215.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Weigh bridge type) with digital indication belonging to medium accuracy (Accuracy class III) of "AWM-WB" series with brand name "ARISTOS" manufactured by M/s. Aristo's Weighing Machines, "RM Towers", #107, Chamiers Road, Teynampet, Chennai-600 018 and which is assigned the approval mark IND/090/2005/832;



The said model is non-automatic weighing instrument (weighbridge) with a maximum capacity of 40,000 kg and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply. The load cell is of strain gauge type.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(65)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1216.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आस्टेक वेइंग सिस्टम, # 79/एन, कृष्णा निलयम कुड्डालौर रोड, पनरुति-607106 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-II) वाले "डी डब्ल्यू-जेपी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डिजी वर्ल्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/625 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्राम तक अके 'ई' मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(67)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1216.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "DW-JP" series of high accuracy (Accuracy class-II) and with brand name "DIGI WORLD" (herein after referred to as the said Model), manufactured by M/s. Mastec Weighing System, # 74/N, Krishna Nilayam Cuddalore Road, Panruti-607106 and which is assigned the approval mark IND/09/05/625;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(67)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1217.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मास्टेक वेइंग सिस्टम, 79/एन, कृष्णा निलयम कुड्डालौर रोड, पनरुति-607 106 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "डी डब्ल्यू -टीबी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डिजी वर्ल्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/626 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्राम के "ई" मान के लिए 100 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(67)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1217.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of 'DW-TB' series of medium accuracy (Accuracy class-III) and with brand name "DIGI WORLD" (hereinafter referred to as the said model), manufactured by M/s. Mastec Weighing System, 74/N, Krishna Nilayam Cuddalore Road, Panruti-607 106 and which is assigned the approval mark IND/09/2005/626;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(67)/2005]

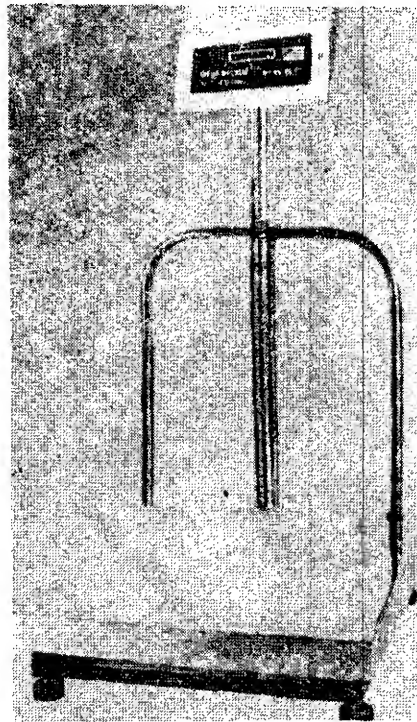
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1218.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मास्टेक वेइंग सिस्टम, # 79/एन, कृष्णा निलयम कुड्डालौर रोड, पनरुति-607106 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "डी डब्ल्यू -पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डिजी वर्ल्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/627 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(67)/2005]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1218.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of 'DW-PT' series of medium accuracy (Accuracy class-III) and with brand name "DIGI WORLD" (hereinafter referred to as the said model), manufactured by M/s. Mastec Weighing System, # 74/N, Krishna Nilayam Cuddalore Road, Panruti-607106 and which is assigned the approval mark IND/09/2005/627;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50kg and up to 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(67)/2005]

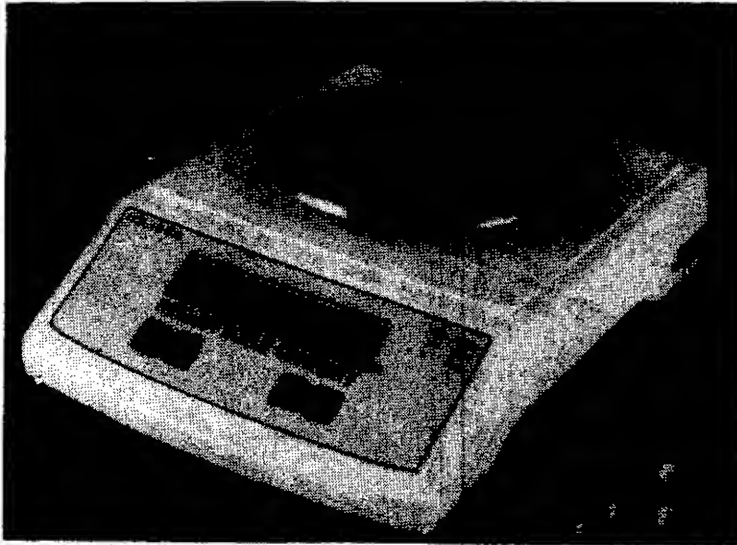
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1219.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीलम स्केल कम्पनी, ए-9, शुक्ला कम्पाउण्ड, अशोकवन के पास, डब्ल्यू. ई. हाईवे, पवन नगर, दहिसार (ई), मुंबई-400068 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “एन एस टी-300” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एल. बी. एच.” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/962 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 400 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 मि. ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टैमिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम के “ई” मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(207)/2002]

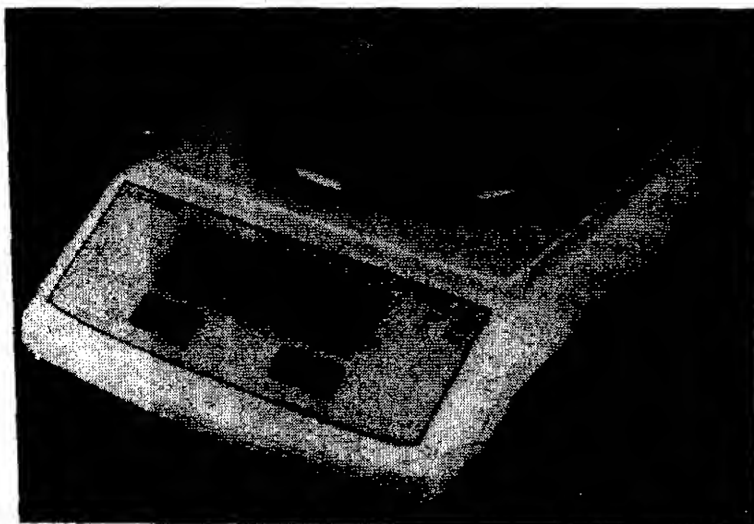
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1219,—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "NST-300" series of high accuracy (Accuracy class-II) and with brand name "L. B. H." (hereinafter referred to as the said model), manufactured by M/s. Neelam Scale Company, A-9, Shukla Compound, Near Ashokavan, W. E. Highway, Pawan Nagar, Dahisar (E), Mumbai-400068 and which is assigned the approval mark IND/09/2005/962;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 300g and minimum capacity of 400mg. The verification scale interval (e) is 20mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k ; k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(207)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1220.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीलम स्केल कम्पनी, ए-9, शुक्ला कम्पाउण्ड, अशोकवन के पास, डब्ल्यू०ई० हाईवे, पवन नगर, दहिसार (ई), मुंबई-400068 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एन एस टी-30" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "एल०बी०एच०" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/963 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 किलो ग्राम है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि० ग्रा. से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(207)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1220.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "NST-30" series of medium accuracy (Accuracy class-III) and with brand name "L.B.H." (hereinafter referred to as the said Model), manufactured by M/s Neelam Scale Company, A-9, Shukla Compound, Near Ashokavan, W.E. Highway, Pawan Nagar, Dahisar (E), Mumbai-400068 and which is assigned the approval mark IND/09/2005/963;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic Weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) displays indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(207)/2002]

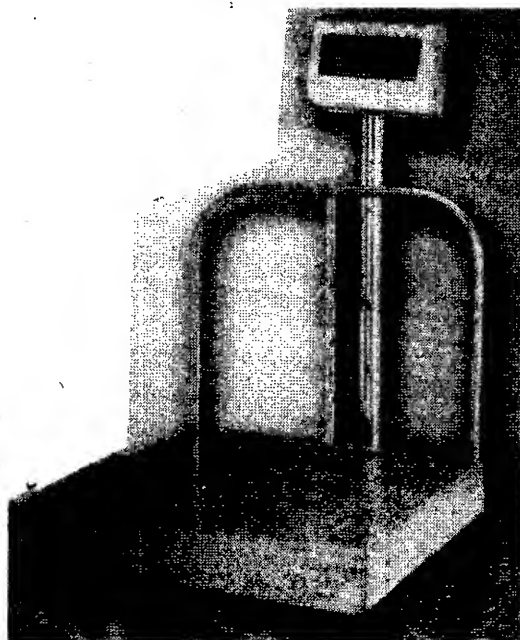
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1221.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नीलम स्केल कम्पनी, ए-9, शुक्ला कम्पाउण्ड, अशोकवन के पास, डब्ल्यू०ई० हाईवे, पवन नगर, दहिसार (ई.), मुंबई-400 068 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एन एस पी-300 किलोग्राम" शृंखला के अंकक स्वसूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एल०बी०एच०" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/964 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 300 किलो ग्राम है और न्यूनतम क्षमता 1 किलो ग्रा. है। स्थापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(207)/2002]

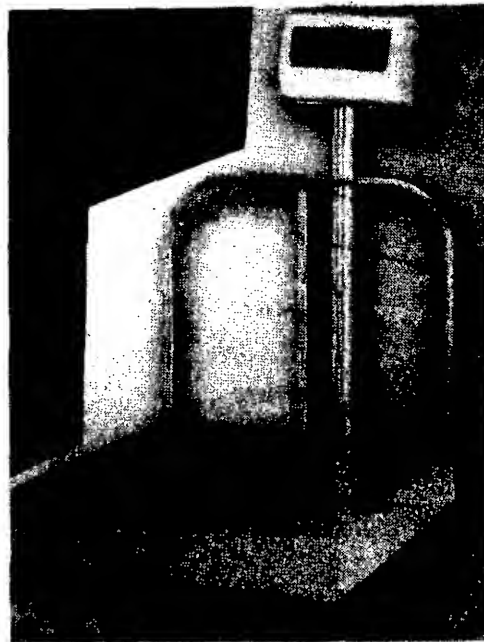
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1221.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "NSP-300 Kg." series of medium accuracy (Accuracy class-III) and with brand name "L.B.H." (hereinafter referred to as the said Model), manufactured by M/s Neelam Scale Company, A-9, Shukla Compound, Near Ashokavan, W.E. Highway, Pawan Nagar, Dahisar (E), Mumbai-400 068 and which is assigned the approval mark IND/09/2005/964;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 300 kg and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts, and 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50kg and up to 1000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(207)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1222.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शार्प इलेक्ट्रॉनिक्स, जी-4, श्रीपाल, प्लॉट नं. 71, यशवन्त नगर, तेलागांव, दभोद, जिला पुणे, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एस ई डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शार्प डिजिटल स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/465 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 किलो ग्राम है और न्यूनतम क्षमता 50 ग्रा. हैं। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्याधर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि० ग्रा. से 50 मि. ग्राम तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^0 , 2×10^0 या 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(340)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1222.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SEW" series of high accuracy (Accuracy class-II) and with brand name "Sharp Digital Scale" (hereinafter referred to as the said Model), manufactured by M/s. Sharp Electronics, G-4, Shriphal, Plot No. 71, Yashwant Nagar, Talegaon, Dabhade, District-Pune, Maharashtra and which is assigned the approval mark IND/09/2005/465;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 15 kg and minimum capacity 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(340)/2001]

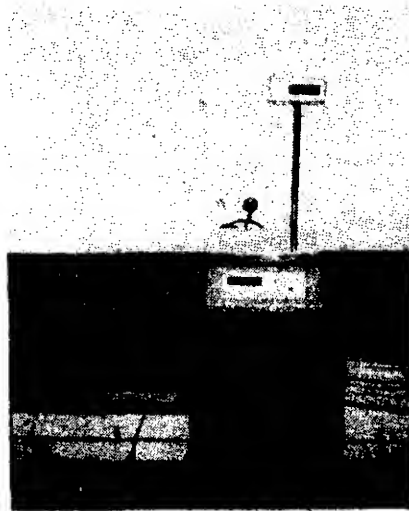
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ.1223.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शार्प इलेक्ट्रॉनिक्स, जी-4, श्रीपाल, प्लाट नं. 71, यशवन्त नगर, तेलंगांव, दभोद, जिला पुणे, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस ई डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शार्प डिजीटल स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/466 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 किलो ग्राम है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(340)/2001]

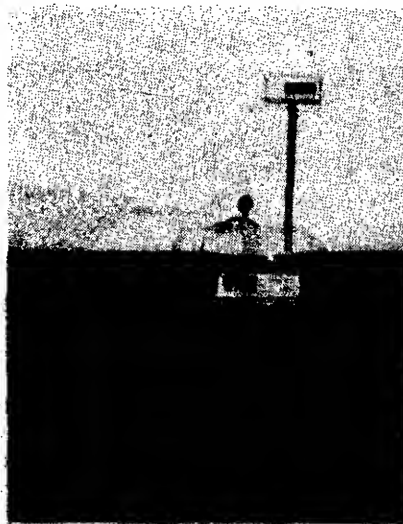
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1223.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SEW" series of medium accuracy (Accuracy class-III) and with brand name "Sharp Digital Scale" (hereinafter referred to as the said Model), manufactured by M/s. Sharp Electronics, G-4, Shriphal, Plot No. 71, Yashwant Nagar, Talegaon, Dabhade, District-Pune, Maharashtra and which is assigned the approval mark IND/09/2005/466;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg and minimum capacity 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(340)/2001]

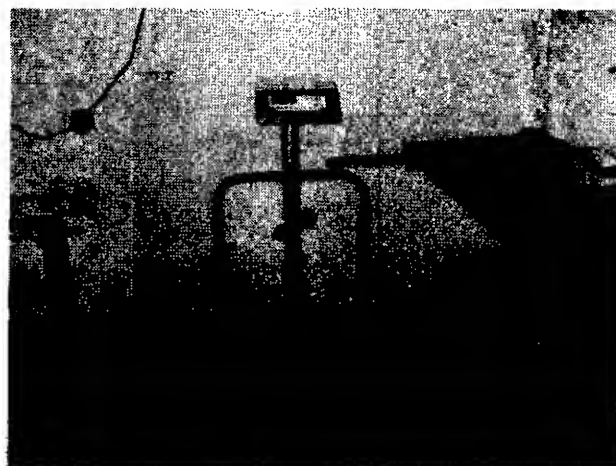
R. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1224.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शार्प इलेक्ट्रॉनिक्स, जी-4, श्रीपाल, प्लॉट नं. 71, यशवन्त नगर, तेलागांव, दभोद, जिला पुणे, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस ई डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शार्प डिजिटल स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/467 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 किलो ग्राम है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन अंतराल (एन) सहित 50 किलो ग्राम से अधिक और 1000 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एन-21(340)/2001]

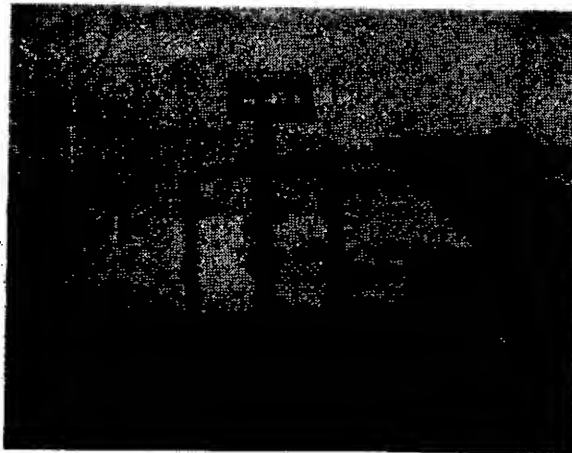
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006 .

S.O.1224.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "SEW" series of medium accuracy (Accuracy class-III) and with brand name "Sharp Digital Scale" (hereinafter referred to as the said Model), manufactured by M/s. Sharp Electronics, G-4, Shriphal, Plot No. 71, Yashwant Nagar, Talegaon, Dabhade, District-Pune, Maharashtra and which is assigned the approval mark IND/09/2005/467;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

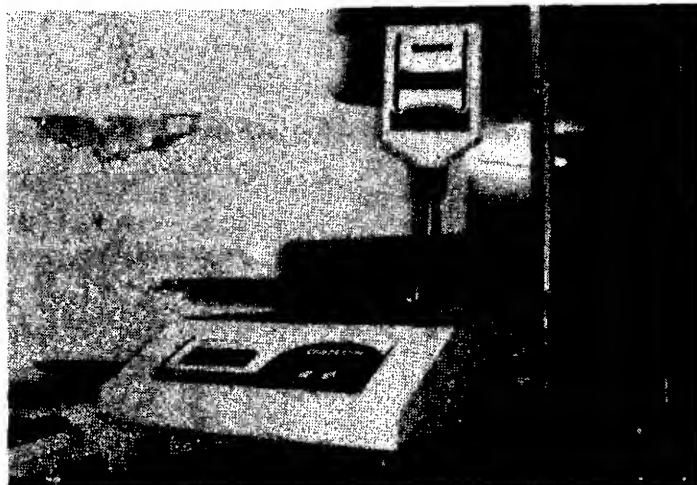
[F. No. WM-21(340)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1225.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विकास स्केल कं०, 32-33, उद्योग कुंज, इस्माइलानाबाद, हरियाणा द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "बी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ओरिसन" है और जिसे अनुमोदन चिह्न आई एन डी/09/2005/665 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 किलो ग्राम है और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्राम तक "ई" मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

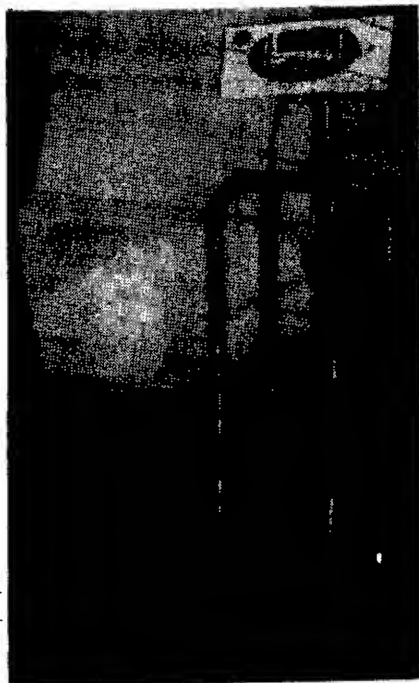
[फ़. सं. डब्ल्यू एम-21(27)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1225.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of series "VT" of high accuracy (Accuracy class-II) and with brand name "ORISON" manufactured by M/s. Vikas Scale Co., 32-33, Udyog Kunj, Ismailabad, Haryana and which is assigned the approval mark IND/09/2005/665;



The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 10 kg and minimum capacity 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(27)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2006

का.आ. 1226.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विकास स्केल कं०, 32-33, उद्योग कुंज, इस्माइलाबाद, हरियाणा द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "वी पी" श्रृंखला के अंकक सूचन सहित, अस्थचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ओरिसन" है और जिसे अनुमोदन चिह्न आई एन डी/09/2005/666 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 किलो ग्राम है और न्यूनतम क्षमता 4 किलो ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टायिंग प्लेट को सीलबन्द करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उसे खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(27)/2005]

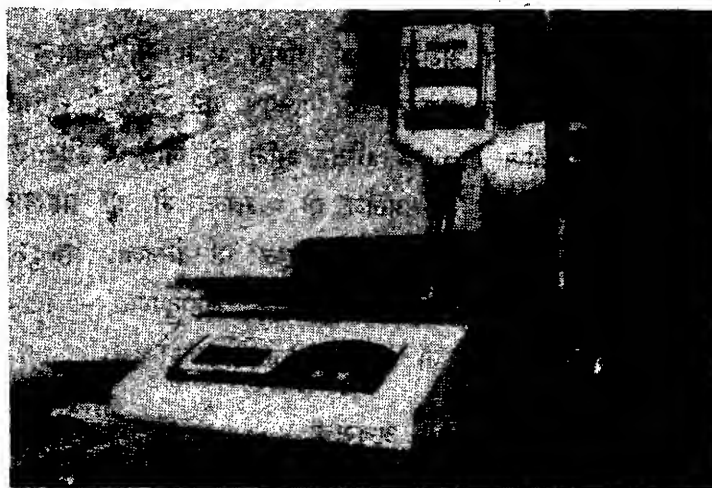
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2006

S.O. 1226.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of self indicating, non-automatic (Platform type) weighing instrument with digital indication of Series "VP" of medium accuracy (Accuracy class-III) and with brand name "ORISON" manufactured by M/s Vikas Scale Co., 32-33, Udyog Kunj, Ismailabad, Haryana and which is assigned the approval mark IND/09/05/666;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 2000 kg and minimum capacity of 4kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of same series with maximum capacity above 50kg and up to 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(27)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 मार्च, 2006

का. आ. 1227.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्दा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री प्रहलाद सिंह, सक्षम प्राधिकारी, मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान संख्या -852, सेक्टर - 6, बहादुरगढ़ - 124507, जिला - झज्जर (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: रेवाड़ी	जिला: रेवाड़ी			राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	खसरा/किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1. जैतहावास	143	34	18	00	04	97
			22	00	02	70
			45	00	01	27
			17	00	01	45
			23	00	01	48
			46	00	00	49
			10	00	00	66
			48	00	00	23
			49	00	00	84

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा		
गाँव का नाम	हदबस्त	मुखसिल	खसरा/किला	क्षेत्रफल		
	संख्या	संख्या	संख्या	हेक्टेयर	एकर	वर्गमीटर
2. भाडावास	145	126	19/3	00	00	39
		128	13/1	00	00	47
		145	5/2	00	00	41
			14	00	00	46
			18/1	00	00	50
			22	00	00	51
		147	14	00	01	21
		148	1/2	00	02	48
			2	00	00	53
3. भवाड़ी	150	22	22	00	01	07
		26	13/1	00	04	34
			17/1	00	01	29
			18/1	00	00	10
			25/1	00	00	56
		27	21/2/1	00	03	14
			41	00	01	14
4. कमलपुर	152		79	00	00	10
		28	25	00	01	15
		28	23/1/2	00	01	55
		33	3/1	00	00	22
			3/2	00	00	33
5. छुरियावास	157		4	00	01	18
		6	3/1	00	01	49
			9	00	00	72
		157	10/1/2	00	00	45
		11	19	00	01	01
6. धामलाका	155		27	00	00	49
		12	2/2	00	00	20
		14	11/1	00	00	49
		15	15/1/3	00	00	10
			17	00	01	08
7. शहजापुर खालसा	171	18	4	00	00	21
		11	21/2	00	01	54
		19	5/2/2	00	01	33
		20	1/1	00	00	49

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा		
गाँव का नाम	खसरा संख्या	मुसतिल संख्या	खसरा/किला संख्या	क्षेत्रफल		
				हेक्टेयर	घुंघर	वर्गमीटर
			2/1	00	00	40
			2/2	00	00	53
		25	3	00	00	42
		26	16/1	00	00	53
			17	00	00	56
8. बेरियावास	170	6	10	00	00	36
		7	16	00	00	62
		8	3	00	00	53
			12/2	00	01	36
			19	00	00	67
			97	00	00	60
9. माज़रा गुरदास	188	4	24	00	00	66
		5	4	00	03	14
			8	00	03	95
			12	00	00	54
		15	14	00	00	76
10. कोनसीवास	174	11	25	00	00	63
		12	21	00	00	55
		13	1	00	00	10
		14	5	00	01	66
	174	14	14	00	00	67
			17/2	00	00	42
11. कालाबाग	177	35	23/2	00	01	89
		42	3/2	00	00	20
			20/2	00	00	58
12. माडियां कलां	178	9	11/1	00	00	86
			11/2	00	00	47
		20	12/2	00	00	16
			19/3	00	01	31
			21	00	02	65
		23	6	00	00	51
			15	00	00	34
		30	7	00	00	28

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा		
गाँव का नाम	हवबस्त संख्या	मुजतिल संख्या	असरा/किला संख्या	सेक्टर		
				हेक्टेयर	एकर	वर्गमीटर
13. अलीलपुरी	179	12	11	00	00	30
		13	24/2	00	00	45
			25/2	00	00	92
		18	4/2	00	00	68
			7/2/1	00	00	32
14. पिन्हेडी	204	3	22	00	02	03
		6	21	00	00	61
		12	20	00	00	32
			21	00	01	16
		13	1	00	01	52
		21	7/2	00	00	81
			8/1	00	00	65
			22/3	00	02	36
			23/2	00	00	10
		24	1/2	00	00	10
			11/1	00	00	36
		25	16	00	00	27
		31	4	00	00	27
			17/2	00	05	40
	204		24	00	00	51
			48	00	00	60
			162	00	00	93
15. बुडानी	208	7	24	00	00	92
		13	23/2	00	01	14
		15	3/1	00	01	37
			3/2	00	00	78
			12	00	00	40
			19	00	00	72
		20	19	00	00	85
			91	00	00	61
16. सेमजड़	209	24	5/1	00	00	95
		37	7/1	00	00	35
			14/1	00	00	22

तहसील: रेवाड़ी		जिला: रेवाड़ी		राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुसतिल संख्या	असरा/किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
17. झबडी	210	29	15/1	00	00	44
			16/2	00	00	47
18. गोकलपुर	211	12	19/2	00	00	38
		25	16/1/1	00	01	42
		26	10/1/3	00	00	44
			11/1/1	00	01	93
19. जांटी	212	18	5	00	00	37
			18/2	00	00	43
		19	2	00	01	15
20. जाट सायरवास	213	29	22/2	00	00	10
		38	2/2	00	00	81
			22	00	00	67
		49	2	00	00	54
			10/1	00	00	46
			20	00	01	23
21. डवाना	156	8	1	00	00	51
			2	00	00	60
	156	9	6	00	01	14
			13/1	00	00	82
			20	00	00	94

[फा. सं. आर-31015/50/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th March, 2006

S. O. 1227.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Prahlad Singh, Competent Authority, Mundra - Delhi Petroleum Product Pipeline Project, Hindustan Petroleum Corporation Limited, H. No. 852, Sector - 6, Bahadurgarh - 124507, District - Jhajjar (Haryana).

SCHEDULE

Tehsil : REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
JAITRAWAS	143	34	18	00	04	97
			22	00	02	70
			45	00	01	27
			17	00	01	45
			23	00	01	48
			46	00	00	49
			10	00	00	66
			48	00	00	23
			49	00	00	84
BHARAWAS	145	126	19/3	00	00	39
			128	00	00	47
			145	00	00	41
			14	00	00	46
			18/1	00	00	50
			22	00	00	51
			147	00	01	21
			148	00	02	46
			2	00	00	53
BHAWARI	150	22	22	00	01	07
			26	00	04	34
			17/1	00	01	29
			18/1	00	00	10
			25/1	00	00	56
			27	00	03	14
			41	00	01	14
			79	00	00	10

Tehsil :REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
4-KAMALPUR	152	26	25	00	01	15
		28	23/1/2	00	01	55
		33	3/1	00	00	22
			3/2	00	00	33
			4	00	01	18
5 CHHURIAWAS	157	6	3/1	00	01	49
			9	00	00	72
	157	6	10/1/2	00	00	45
		11	19	00	01	01
			27	00	00	49
		12	2/2	00	00	20
6. DHAMLAKA	155	14	11/1	00	00	49
		15	15/1/3	00	00	10
			17	00	01	08
		18	4	00	00	21
7. SHAHBAJPUR KHALSA	171	11	21/2	00	01	54
		19	5/2/2	00	01	33
		20	1/1	00	00	49
			2/1	00	00	40
			2/2	00	00	53
		25	3	00	00	42
		26	16/1	00	00	53
			17	00	00	56
8. BHARIAWAS	170	6	10	00	00	36
		7	16	00	00	82
		8	3	00	00	53
			12/2	00	01	38
			19	00	00	87
			97	00	00	60
9. MAJRA GURDASS	188	4	24	00	00	66
		5	4	00	03	14
			8	00	03	95
			12	00	00	54
		15	14	00	00	76

Tehsil :REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
10. KONSIWAS	174	11	25	00	00	63
		12	21	00	00	55
		13	1	00	00	10
10. KONSIWAS (Contd...)	174	14	5	00	01	88
		14	14	00	00	67
			17/2	00	00	42
11. KALAKA	177	35	23/2	00	01	89
		42	3/2	00	00	20
12. MANDIA KALAN	178		20/2	00	00	58
			11/1	00	00	86
			11/2	00	00	47
		20	12/2	00	00	16
			19/3	00	01	31
			21	00	02	65
		23	6	00	00	51
			15	00	00	34
13. KHALILPURI	179	30	7	00	00	28
		12	11	00	00	30
		13	24/2	00	00	45
			25/2	00	00	92
		18	4/2	00	00	68
14. FHIDERI	204		7/2/1	00	00	32
		3	22	00	02	03
		6	21	00	00	61
		12	20	00	00	32
			21	00	01	16
		13	1	00	01	52
		21	7/2	00	00	81
			8/1	00	00	65
			22/3	00	02	36
			23/2	00	00	10
		24	1/2	00	00	10
			11/1	00	00	36
	25	16	00	00	27	
	31	4	00	00	27	
		17/2	00	05	40	

Tehsil :REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
14. FHIDERI (Contd...)	204		24	00	00	51
			48	00	00	60
			162	00	00	93
15. BUDHANI	208	7	24	00	00	92
		13	23/2	00	01	14
		15	3/1	00	01	37
			3/2	00	00	78
			12	00	00	40
			19	00	00	72
		20	19	00	00	85
			91	00	00	61
16. RAMGARH	209	24	5/1	00	00	95
		37	7/1	00	00	35
			14/1	00	00	22
17. DABRI	210	29	15/1	00	00	44
			16/2	00	00	47
18. GOKALPUR	211	12	19/2	00	00	38
		25	16/1/1	00	01	42
		26	10/1/3	00	00	44
			11/1/1	00	01	93
19. JANTI	212	18	5	00	00	37
			18/2	00	00	43
		19	2	00	01	15
20. JANTSIRWAS	213	29	22/2	00	00	10
		38	2/2	00	00	81
			22	00	00	67
		49	2	00	00	54
			10/1	00	00	46
			20	00	01	23
21. DAWANA	156	8	1	00	00	51
			2	00	00	60

Tehsil :REWARI		District : REWARI			State : HARYANA		
Name of Village	Hadbast No.	Mustij No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
21. DAWANA (Contd...)	156	9	6	00	01	14	
			13/1	00	00	82	
			20	00	00	84	

[F. No. R-31015/50/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 30 मार्च, 2006

का. आ. 1228.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में अपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, उक्त अधिनियम के अधीन, गुजरात राज्य क्षेत्र के भीतर गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की जामनगर-पटियाला पेट्रोलियम उत्पादन पाइपलाइन परियोजना के लिए सक्षम प्राधिकारी के कृत्यों का निर्वहन के लिए, प्रतिनियुक्ति आधार पर श्री यू जी चौधरी, सहायक आयुक्त, सरदार सरोवर पुर्नवासन एजेंसी, वडोडरा, गुजरात सरकार को प्राधिकृत करती है।

[फ. सं. आर-31015/8/2003-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 30th March, 2006

S. O. 1228.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes Shri U.G. Chandhary, Assistant Commissioner, Sardar Sarovar Rehabilitation Agency, Vadodara, Government of Gujarat to perform the functions of the competent authority, on deputation basis, for Gas Transportation & Infrastructure Company Limited's Jamnagar-Patala Petroleum Product Pipeline Project, under the said Act, within the territory of Gujarat.

[F. No. R-31015/8/2003-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 31 मार्च, 2006

क्र. अ. 1229.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्दा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबन्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री प्रहलाद सिंह, सक्षम प्राधिकारी, मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान संख्या -852, सेक्टर - 6, बहादुरगढ़ - 124507, जिला झज्जर (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: बहादुरगढ़		जिला: झज्जर		समूह: हरियाणा		
गाँव का नाम	ठहसत संख्या	मुसतिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	घर	वर्गमीटर
1. बादली	72	4	6	00	00	61
			14	00	00	25
			12	00	00	30
			12	00	02	05
			20	00	00	38
			5/2	00	00	10
			7/2	00	00	48
			12	00	00	51
			21	00	02	05
			620	00	01	00
			2059	00	00	30
			2061	00	00	20
			2175	00	00	10

तहसील: बहादुरगढ़		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुखतिल संख्या	खसरा/ किला संख्या	श्रेणियाँ		
				हेक्टेयर	एकर	बर्गमीटर
2. मोहनपुर माजरा	88	9	10/1	00	00	10
		32	15	00	00	10
			84	00	00	55
			90	00	00	60
			125	00	01	50
3. गोयला कलां	58	77	10	00	00	48
4. बुपनियां	59	78	5/3	00	00	20
		19	17/1	00	02	50
		42	220	00	02	91
		59	14/1	00	00	98
			14/2	00	00	54
			23/2	00	00	15
			24	00	01	22
		66	4/2	00	00	20
		88	10/2	00	05	80
		89	25/1	00	03	97
		96	6/1	00	01	10
		159	22/1	00	00	98
		181	2	00	00	10
			1499	00	01	00
			1520	00	00	90
5. डाबोदा खुर्द	48	36	3/2	00	01	22
			8/1/2	00	00	63
			8/2/1	00	00	20
			13/2/2	00	01	18
		66	25	00	00	61
		67	9/1	00	00	20
			11	00	02	44
		79	21	00	02	98
		94	26	00	00	78
			168/2	00	01	23
6. महन्दीपुर	50	11	3	00	01	18
			8/2	00	00	29
			12/1	00	01	82
		27	7	00	00	20
		34	6	00	00	20

तहसील: बहादुरगढ़		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	ठहकास्त संख्या	मुसतिल संख्या	खसरा/ किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
6. महेंद्र पुराणी			1771	00	00	89
			190	00	00	20
7. माण्डोरी	53		1366	00	00	74
			1381	00	02	42
			5425/1440/1	00	04	29
			5419/1441/1	00	03	53
			5418/1441/2	00	04	40
			1741	00	00	71
			1751	00	00	30
			4592/1770/2	00	00	59
			4662/2217/1	00	01	88
			2236	00	00	35
8. जाखोदा	41	39	6	00	03	36
9. आसोदा देहरान	28		837	00	01	49
			840	00	00	10

[फा. सं. आर-31015/48/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 31st March, 2006

S. O. 1229.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Prahlad Singh, Competent Authority, Mundra - Delhi Petroleum Product Pipeline Project, Hindustan Petroleum Corporation Limited, H. No. 852, Sector - 6, Bahadurgarh - 124507, District - Jhajjar (Haryana).

SCHEDULE

Tehsil :BAHADURGARH		District : JHAJJAR		State : HARYANA				
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area				
				Hectare	Are	Square Metre		
1. BADLI	72	4	6	00	00	61		
			14	00	00	25		
			12	00	00	30		
		20	12	00	02	05		
			5/1	00	00	38		
			5/2	00	00	10		
			7/2	00	00	48		
			12	00	00	51		
			21	00	02	05		
			620	00	01	60		
		2059	00	00	30			
		2061	00	00	20			
		2175	00	00	10			
		2. MOHAMAD PUR MAJRA	88	9	10/1	00	00	10
					32	15	00	00
	84			00	00	55		
	90			00	00	60		
	125			00	01	50		
3. GOYALA KALAN	58	77	10	00	00	48		
		78	5/3	00	00	20		
4. BHUPANIA	59	19	17/1	00	02	50		
		42	220	00	02	91		
		59	14/1	00	00	98		
		14/2	00	00	54			
		23/2	00	00	15			
		24	00	01	22			
		66	4/2	00	00	20		
		88	10/2	00	05	80		
		89	25/1	00	03	97		
		96	6/1	00	01	10		
		159	22/1	00	00	98		
		181	2	00	00	10		
	1499	00	01	00				
	1520	00	00	90				

Tehsil :BAHADURGARH		District : JHAJJAR		State : HARYANA					
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area					
				Hectare	Are	Square Metre			
5. DABODA KHURD	49	36	3/2	00	01	22			
			8/1/2	00	00	63			
			8/2/1	00	00	20			
			13/2/2	00	01	18			
			66	25	00	00	61		
			67	9/1	00	00	20		
			11	00	02	44			
			79	21	00	02	98		
			94	26	00	00	78		
			168/2	00	01	23			
			6. MEHINDIPUR	50	11	3	00	01	18
						8/2	00	00	29
12/1	00	01				82			
27	7	00				00	20		
34	6	00				00	20		
17/1	00	00				89			
190	00	00				20			
7. MANDOTHI	53					1366	00	00	74
						1381	00	02	42
						5425/1440/1	00	04	29
						5419/1441/1	00	03	53
						5418/1441/2	00	04	40
			1741	00	00	71			
			1751	00	00	30			
			4592/1770/2	00	00	59			
			4662/2217/1	00	01	88			
			2236	00	00	35			
			8. JAKHODA	41	39	6	00	03	36
						9. ASUDHA TODRAN	28		837
840	00	00	10						

[F. No. R-31015/48/2004-O.R.-II]

A. GOSWAMI, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 3 मार्च, 2006

का. उद्. 1230.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार में भारत पेट्रोलियम कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-I के पंचाट (संदर्भ संख्या 36/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-06 को प्राप्त हुआ था।

[सं. एल-30012/113/97-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 3rd March, 2006

S.O. 1230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/1998) of the Central Government Industrial Tribunal/Labour Court, Mumbai-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Bharat Petroleum Co. Ltd. and their workman, which was received by the Central Government on 3-3-06.

[No. L-30012/113/97-IR (C-I)]

S.S GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1,
MUMBAI**

Present :

JUSTICE GHANSHYAM DASS, Presiding Officer

Reference No. CGIT-36 of 1998

Parties: Employers in relation to the management
of M/s. Bharat Petroleum Corporation Ltd.
And
Their Workmen

Appearances :

For the Management	:	Mr. R.S. Pai, Advocate
For the workman	:	Shri J. Sawant
State	:	Maharashtra

Mumbai, dated the 10th day of February, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order No. L-30012/113/97-IR (C-I) dated 27-8-1998. The terms of reference given in the schedule are as follows:

"Whether the action of the management of BPCL in terminating Shri.A.S. Kadam w.e.f. 28-12-1994 is justifiable? If not, to what relief the workman is entitled?"

2. The employee Shri.A.S. Kadam (hereinafter referred to as workman) has filed the Statement of Claim dated 12-1-1999. He was admittedly the workman of Bharat Petroleum Corporation Ltd. (hereinafter referred to as Management). He was appointed as Machine Operator with effect from 1st June 1978 and finally promoted to General Operator in August, 1986. It is alleged that the workman belongs to Village: Machape, Tal: Ambegaon, Distt: Pune. A huge dam known as Timbadam was constructed by the Government with the result, the workman was required to vacate his house for which he had to make some alternative accommodation. He had some family problem also since he was required to marry his three sisters. For all these reasons, the workman was compelled to remain absent for 45 days in 1985, 63 days in 1986, 55 days in 1990 and 198 days in 1992. He had informed the Management the reasons for the absence but the Management took punitive action by deducting the wages for certain days against the workman. Thereafter, the workman got infected by tuberculosis in 1994. He was therefore, compelled to take leave from 13th to 27th June 1994, July 1994 and 2, 5, 6, 8, to 30th in the month of August 1994. The workman had submitted medical certificate after recovery. He resumed his duty on 29-8-1994. The workman received the chargesheet dated 6-9-1994 for habitual absence without permission and commission of act subversive of good behaviour or discipline of the establishment. The enquiry was to be conducted by the Enquiry Officer Shri.P.V. Purav on 21st September 1994. Just before he commencement of the enquiry Shri.P.D. Birje representative of the employer, approached the workman and suggested him to admit the charges and the Management would take lenient view in view of his sickness. He therefore, straight away admitted the charges. The Enquiry Officer submitted his report. The disciplinary authority finally dismissed the workman w.e.f. 20-12-1994 despite the repeated requests made by the workman for reinstatement to the higher authorities. The enquiry is being challenged on the ground of fairness and violation of principle of natural justice and also on the point neither the chargesheet nor the final dismissal order has been passed by the Competent Authority in this regard.

3. The Management has filed the written statement and has specifically denied the contentions raised by the workman.

4. The predecessor in office had framed the following issues:

- Whether the order of termination of the workman w.e.f. 7-12-1994 is liable to be set aside for the reason the chargesheet was issued by a person who was not authorized to start Disciplinary proceedings against the workman?

- b. Whether the order of termination was passed by the authority empowered to impose that punishment?
- c. Whether the principles of natural justice were observed by the Bharat Petroleum Corporation Ltd. and the workman was given full opportunity to defend himself against the charges framed against him and the punishment imposed?
- d. Whether findings recorded against the workman by the enquiry committee are perverse?
- e. Whether the aforesaid Corporation is in a position to justify by leading evidence the passing of the order of termination dated 7-12-1994?
- f. What relief if any, the workman is entitled to?

The issue number 1 to 4 shall be treated as preliminary issues.

5. The workman has filed his own affidavit in lieu of his examination in chief. He has been cross examined by the learned counsel for the Management.

6. The Management has filed the affidavit of Shri Arvind Vishnu Gokhale. He has been cross examined by the learned counsel for the workman.

7. FINDINGS:

ISSUE No. 1 & 2: Mr. Gokhale has stated in his affidavit that he worked with the Management up to 21-1-2001. He was working as Chief Product Despatches Manager for the period w.e.f. 1-5-1992 to 28-2-1997 and was in charge of the department from March 1997 till his retirement. He was working as Deputy General Manager (Product Despatches) and continued as in charge of Product Despatches Department. He issued the charge sheet in the capacity of Chief Product Despatch Manager (R). he authenticated the Certified Standing Order for the Refinery Division. He stated that Chief Product Despatches Manager and Deputy General Manager (P&A) are also the Authorities authorized to act on behalf of the Manager under the Certified Standing Orders. He was competent to issue the chargesheet. He was competent to appoint the Enquiry Officer. The final dismissal order was passed by the Deputy General Manager (P&A) who was Competent Authority to take the decision. The statement of Mr. Gokhale makes it very clear that the chargesheet has been issued by a Competent Authority and hence the disciplinary proceedings have been initiated rightly and that the final order of termination was passed by the Competent Authority in that behalf. I do not find anything for which it may be inferred that the enquiry proceedings are being vitiated for want of competency of the person who issued the chargesheet or that the dismissal order is bad in law for being issued by Authority not authorized. The learned counsel for the workman drew my attention that Gokhale admitted in his cross examination that he was

not his Appointing authority and that the Appointing authority was higher in a rank to him. I feel this statement does not make any difference. The Certified Standing Orders are being filed on record. The authority of the person who issued the chargesheet and who passed the final order of dismissal is proved on record. The action has been taken in accordance with the delegated powers to the authorities in accordance with law.

8. The learned counsel for the workman cited the following rulings:

- a. State of Haryana vs. Shamsher Jang Bahadur 1972 II LLJ 136.
- b. Rashid Ahmed vs. U.P. State Road Transport Corporation 1987 Lab IC 323.
- c. Ananthakrishnan vs. Oriental Fire & General Insurance Co. Ltd. 1988 II LLJ 526.
- d. Costhe Behari Jana vs. Calcutta State Transport Corporation & Ors. 2000 I CLR 312.
- e. V.R. Vishwanath R. Mandare vs. M.S.R.T.C. & Anr. 2000 II CLR 742.
- f. State of U.P. & Anr. vs. Chandra Pal Singh & Anr. 1996 I CLR 742.
- g. Md. Karimuddin and Others vs. State of Manipur & Anr. 1996 Lab. I.C. 2806.
- h. Takhet Singh vs. Corporation of Delhi 1973 II CLR 350.

9. I have gone through all the eight rulings referred to above and conclude that none of them is helpful at all to the workman on the facts and circumstances discussed above.

10. **ISSUE No. 3 & 4:** The chargesheet dated 6-9-1994 reads as under:

CHARGESHEET

The circumstances appearing against you are as under:

It has been observed that you have been remaining unauthorisedly absent on the following dates during the year 1994:

June 1994:	13-27
July 1994:	2, 5, 6, 8—30
Aug 1994:	1—20 & 25th onwards

The above act of yours of remaining unauthorisedly absent constitutes gross misconduct under the Company's Standing Orders as applicable to you and therefore, you are hereby charged with:

Order No. 27(19) : Habitual absence without permission:

Order No. 27(21) : Commission of an act subversive of good behaviour or discipline of the establishment.

You are hereby required to appear before P.B. Purav on 21-9-1994 and 2.00 pm in Room No.14A for an enquiry, when you may show cause why disciplinary action under the Company's Standing Orders should not be taken against you. At the enquiry, you may produce such evidence, oral or documentary as you consider necessary in support of your defence. Your witnesses, if any, should be present at the enquiry.

You may bring any other employee of the Company to represent at the enquiry, if you so desire.

If you fail to attend the enquiry, it will be held, *exparte* in your absence.

11. The Management has led sufficient evidence to prove the enquiry proceedings and the enquiry report. The workman had admittedly admitted the charges levelled against him. The ground for making such admissions does not inspire confidence. It cannot be believed that the workman was forced to admit the charges on account of misrepresentation or persuasion on Mr. Birje who is said to be representative of the Management. It may also be observed that the workman is charged for certain period of absence. There is no dispute about the period of absence. In fact, when the absence is admitted nothing more could be possible except to hold the workman guilty for absence. The question arises as to whether the absence was unauthorized and amounted to misconduct as mentioned in the chargesheet. No reliable evidence is available on record from the side of the workman to prove that there was justifiable reasons for absence. No evidence whatsoever is available on record to infer for a moment that there had been any violation of principle of natural justice. The workman was given full opportunity to defend himself at the time of enquiry and also at the time of final passing of the punishment. The report of the Enquiry Committee is based on sufficient evidence available on record. There is nothing to infer for a moment that the report of the enquiry committee and the findings arrived at by the enquiry committee are perverse. The enquiry is found to be just and fair. The enquiry report is based on evidence on record and the same does not require any interference.

12. **ISSUE NO.5:** The necessity of this Issue does not arise in view of my findings on the aforesaid four issues.

13. **ISSUE NO.6:** In view of my finding on the aforesaid issue, the action of the Management in terminating the services of workman w.e.f. 28-12-1994 is just and fair and the workman is not entitled to any relief.

14. The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1231.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नादरन रेलवे के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 77/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-3-06 को प्राप्त हुआ था।

[सं. एल-41012/77/2002-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1231.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. No. 77/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 3-3-06.

[No. L-41012/77/2002-IR (B.1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 77 of 2002

Industrial Dispute Between :—

Sri Ronald Charles
S/o Sri Charles Mikaha
187/3 Juhi Lal Colony Kanpur.

And

The Divisional Railway Manager
Northern Railway Allahabad.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. L-41012/77/2002/IR-B-II dated 26-11-2002 has referred the following dispute for adjudication to this Tribunal :—

KYA SENIOR DIVISIONAL ELECTRICAL ENGINEER ROLLING STOCK UTTAR RAILWAY ELECTRIC ROAD FAZALGANJ KANPUR DWARA KARMKAR SRI RONAL CHARLES KODANDADESH DINANK 7-8-2001 AVAM APPELLATE ADESH DINANK 5/6-10-2001 KE DWARA SEWA SE HATAYA JANA NYAYOCHIT HAI? YADI NAHI TO SAMBANDHIT KARMKAR KIS ANUTOSH KA HAKDAR HAI?

2. It is unnecessary to give full details of the case as after exchange of pleadings between the parties the workman was debarred from adducing evidence as he could not adduce his evidence on the date fixed. Thereafter the case was fixed for management evidence but the management also failed to adduce their evidence in support of its case hence management too was debarred from adducing evidence in the case vide order dated 17-6-05.

3. Thus from the above it is quite obvious that it is a case of no evidence. Burden to prove the case was on workman which he palpably failed. Under the facts and circumstances of the case workman cannot be held entitled for any relief for want of evidence.

4. Accordingly it is held that the workman is not entitled for any relief for want of evidence. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1232.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 40/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/270/2004-आई आर (सी एम-II)]

पी. सी. भारद्वाज, डैस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1232.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. No. 40/2005 of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure, in the Industrial dispute between the management of Northern Coalfields Limited, and their workmen, received by the Central Government on 06-03-2006.

[No. L-22012/270/2004-IR (CM-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT LUCKNOW

PRESENT

Shrikant Shukla Presiding Officer

I. D. No. 40/2005

Ref. No. L-22012/270/2004-IR (CM-II) dt. 3-10-05

BETWEEN

Sri Ashok Kumar Khetriyan, Mahasachiv Koyla Shramik Sabha, Camp Office-539, NCL Bina Project, Sonebhadra, U. P.

And

The Chief General Manager,
Northern Coalfields Ltd. Bina Project, PO Bina Distt
Sonebhadra, U. P.

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute for adjudication to the presiding officer, CGIT-cum-Labour Court, LUCKNOW;

"WHETHER THE DEMAND OF KOYLA SHRAMIK SABHA FOR PLACEMENT OF SRI HARI LAL IN THE POST OF DRIVER CATEGORY 6 IS LEGAL AND JUSTIFIED IF YES, TO WHAT RELIEF HE IS ENTITLED?"

The copy of reference order was endorsed to the trade union Mahasachiv Sri Ashok Kumar, Koyla Shramik Sabha, Bina Project, Sonebhadra and the employer i. e. Chief General Manager, NCL Bina project, Sonebhadra. Order of reference was received in this court on 24-10-2005.

While endorsing the copy of reference order the Govt. of India directed as follows :

"The parties raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within 15 days of the receipt of this order of reference and also forward a copy of such a statement to each one of the opposite parties involved in this dispute under rule 10 (B) of the industrial disputes (Central) Rules 1957."

The trade union officer bearers of Koyla Shramik Sabha did not file any statement of claim within stipulated period. When the trade union did not file any statement of claim then on 9-12-2005 this court ordered that the registered notice be issued to the trade union asking them to file the statement of claim alongwith documents and list of witnesses on 12-1-06. It was also made clear in the order that the trade union be also instructed to send the copy of statement of claim and documents etc. to the employer by registered post and file the postal receipt in the court on the date fixed. The registered notice was sent to the trade union on 13-12-05 and the registered article was not received back. It was therefore presumed on 16-1-2006 that the notice was sufficiently served on the trade union. On the same day i. e. 16-1-06 the court ordered that the notice be sent to the opposite party fixing 17--2-2006 for filing written statement.

In compliance of the notice the representative of the opposite party Sri Sanjay Srivastava has come up and has not filed written statement as ordered. He has argued that the claim was espoused at the instance of the trade union and the trade union has not filed any statement of claim alleging that the action of the management was illegal or unjustified and therefore the management has not file any written statement and this court has no option then to pass no claim award. He has also relied upon 1981 (29) page 194 FLR between V. K. Raj Industries and Labour Court (I) and others. He has argued that burden of allegations that the action of the management was illegal and unjustified was on the trade union and since they have not filed any claim therefore burden can not be shifted to the employer to plead its innocence. He has also argued that there is no case before the court to hold that the action of management is unjustified or illegal.

I have perused case law and submission made by the representative of the opposite party and come to the conclusion that this court has no other option to pass no claim award. No claim award passed accordingly.

LUCKNOW
17-2-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1233.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. सी. एल. के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/176/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/129/1997-आई आर (सी-II)]

पी. सी. भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O.1233.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/176/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to management of Northern Coalfields Limited, and their workmen, received by the Central Government on 06-03-2006.

[No. L-22012/129/1997-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/176/98

Presiding Officer : Shri C. M. Singh

The Secretary,
Rashtriya Colliery Mazdoor Sangh,
Amlohari Branch, Post Amlohari Colliery,
Distt. Sidhi (MP) Workmen/Union

Versus

The General Manager,
Amlohari Project, NCL,
Post Amlohari Colliery,
Distt. Sidhi (MP) Management

AWARD

Passed on this 16th day of February, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/129/97-IR (C-II) dated 23/30-7-98 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Gen. Manager, Amlohari Project of NCL in giving promotion to Sh. Taj Mohd. and Sh. R. N. Verma, Dumper Operator Gr. A. w. e. f. 12-2-94 and not from 8-10-93 is in accordance with the practice of giving effect to promotion as per managements circular No. P&A/PD/DPC/86/5167 dated 30-4-86 is legal and justified? If not, to what relief the workmen are entitled?”

2. The case of workman Shri Taj Mohd. and Shri R. N. Verma/Union in brief is as follows. Workmen Shri Taj Mohd. and Shri R. N. Verma were given promotion vide DPC of Amlohari Project on 8-10-93 but due to laches and negligence of NCL Admn., order of promotion was issued by the management of Amlohari project on 12-2-94 i.e. after delay of more than 4 months which is contrary to NCL's circular in this regard. There are various circulars of the department to the effect that if after the date of DPC promotion orders are not issued within one month from the date of sitting of DPC due to any administrative reason, in that case, the date of promotion of the concerned promoted person shall be deemed to be the date on which DPC was held. But NCL management has not followed the above circulars. The workmen/Union deserve to be deemed promoted from the date of DPC and are entitled for promotion from 8-10-93. It is therefore prayed that the workmen should be considered as promoted from 8-10-93 and suitable orders to that effect be passed in favour of the workmen.

3. The management contested the reference and filed their Written Statement. The case of the management in brief is as follows. Workmen Shri Taj Mohd. and Shri R. N. Verma have claimed promotion w. e. f. 8-10-93, whereas they had been given promotion w. e. f. 12-2-94, the promotion is a managerial function, the workmen cannot claim promotion as a matter of right. The workmen have demanded promotion with effect from a particular date in the light of a circular mentioned in the order of reference. That the alleged circular has been wrongly interpreted by the workmen. Workmen Shri Taj Mohd. and Shri R. N. Verma were promoted to the post of Sr. Dumper Operator from Dumper Operator Grade-I vide order dated 12-2-94 on the recommendations of the DPC and on the approval of the competent authority. The relevant operative part of the circular referred in the order of reference is reproduced below :—

“Keeping in view the facts mentioned above, it is hereby clarified that if promotion order is issued within one month duration of the DPC date, it will be effective from the date of joining on the higher post by the promotee/incumbent in question. However, if it is delayed more than a month for any reason, it will be effective from the date of DPC held.”

After issue of the aforesaid circular, it has been reported that in some of the projects/units, DPC was conducted without any sanctioned vacant post and order of promotion was issued after the post was sanctioned at later date, which has created complications and embarrassing situation before the management. The circular in question means that if the matter is held up for administrative reason and finalization of the DPC proceedings, such as non-receipt of ACRs, unavailability of the committee members and the reluctance of office, in finalization of the proceedings, the order will be effective with the date of DPC, to avoid loss of the incumbent in question without any fault of their own, but not to promote anybody without any sanctioned post. To avoid repercussion and anomalous situation, it has been decided that before processing DPC meeting vacancy position should be insured first invariably. In such cases, whether DPC was conducted for any sanctioned post and offer of

promotion was issued after creation of posts, the promotion will be effective w. e. f. the date the post has been created. The dispute has no merit. The workmen Shri Taj Mohd. and Shri T. N. Verma were given promotion to the post of Dumper operator Grade-A w. e. f. 12-2-94. They were not entitled to be promoted w. e. f. 8-10-93 as per alleged circular. There was no administrative delay in issuing the order of promotion. Therefore it is prayed that the order of reference be answered in favour of the management.

4. Vide order dated 28-3-05, the reference proceeded exparte against the workmen/Union.

5. The management in order to prove its case filed affidavit of Shri P. P. Singh, the then posted as Dy. Personal Manager in NCL, Singrauli.

6. I have heard Shri A. K. Shashi, Advocate, the learned counsel for the management and have very carefully gone through the evidence on record.

7. It is to be noted here that there is no evidence for proving the case of the workmen. The case of the management is fully proved by the uncontroverted affidavit of management's witness Shri P. P. Singh.

8. In view of the above, the reference order deserves to be answered in favour of the management and against the workmen. It is hereby held that the action of the General Manager, Amlohari Project of NCL in giving promotion to Shri Taj Mohd. and Shri R. N. Verma, Dumper operator Grade "A" w. e. f. 12-2-94 and not from 8-10-93 is in accordance with the practice of giving effect to the promotion as per management's circular No. P&A/PD/DPC/86/5167 dated 30-4-86 is legal and justified and therefore the workmen are not entitled to any relief.

9. The reference order is answered in favour of the management and against the workmen. Under the circumstances of the case the parties shall bear their own costs.

10. The copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1234.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 187/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/338/1996-आई आर (सी-II)]

पी. सी. भारद्वाज, डैस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/97) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to management of Food Corporation of India and their workman, which was received by the

Central Government on 6-3-2006.

[No. L-22012/338/1996-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, 1, CHANDIGARH

Case No. I. D. 187/97

Shri Swaran Singh S/o Sh. Kartar Singh, Mohalla Ganj Shaheedan, H. No. B-IX-394, Sunam, Dist. Sangrur (Pb.)

.....Applicant

Versus

1. The Zonal Manager (N), FCI, Regional Office, Sector 34-A, Chandigarh.

2. The Sr. Regional Manager, FCI, Regional Office, Sector 34-A, Chandigarh.

.....Respondent

APPEARANCES

For the Workman : None

For the Management: Harbans Kaur with Advocate Sh. R. K. Sharma

AWARD

Passed on 24-1-2006

Central Govt. vide notification No. L-22012/338/96/IR (C-II) dated 25-10-97 has referred the following dispute to this Tribunal for adjudication.

"Whether the action of the Management of FCI, Jammu in terminating the services of Sh. Swaran Singh, Casual Watchman and denying to regularise him is legal and justified? If not, to what relief is the workman entitled and from which date?"

2. Today there are two references pending as ID No. 129/98 and ID 187/97 wherein Shri N. K. Kapil Advocate was appearing on behalf of the workman. Court notice was also issued to the workman and advocate Shri N. K. Kapil to appear on 28-12-2005 which was delivered and received by Shri N. K. Kapil Advocate himself at his Chandigarh address. Further workmen are not appearing since 26-4-05 and did not appear on 12-8-05, 7-10-05, 16-11-05 and 28-12-05 and also today despite court notices Shri Ravi Kant Sharma learned counsel for the management submitted that it appears that workman is not interested to pursue with the present references as gainfully employed somewhere. Their advocate Shri N. K. Kapil also did not appear despite service. In view of the above submission and my persual of the court file. I have found that since several dates the workman is not appearing and advocate Shri N. K. Kapil also not putting up appearance despite service of court notice. It appears that workman is gainfully employed and not interested to pursue with the present references. In view of the above, the present references are returned to the Central Govt. for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

क्रा. आ. 1235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में निजीकरण और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 129/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/374/1997-आई आर (सी II)]

पी० सी० भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129 of 98) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workman, which was received by the Central Government on 6-3-2006.

[No. L-22012/374/1997-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH.

CASE NO. L D. 129/98

Shri Chet Ram C/o S.N.K. Kapil, House No. 635, Milk Colony, Dhanas, Chandigarh.

.....Applicant

Versus

1. The Regional Manager, (North) Food Corporation of India, Regional Office, Punjab Sector 34, Chandigarh.

.....Respondent

APPEARANCES:

For the workman : None

For the management : Harbans Kaur with Advocate Sh. R. K. Sharma

AWARD

Passed on 24-1-2006

Central Government vide notification No. L-22012/374/97/IR (C.II) dated 30-06-98 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of FCI, represented by Distt. Manager, FCI in terminating the services of Sh. Chet Ram S/o Bant Singh as Casual employee w. e. f. May 1981 and subsequently keeping him outside the settlement dated 15-2-89 and not regularising his services according to FCI HQ circular dated 24-8-92 and 19-5-94 is just and legal? If not, to

what relief is the workman is entitled to and from which date?"

2. Today there are two references pending as ID No. 129/98 and ID No. 187/97 wherein Shri N. K. Kapil Advocate appearing on behalf of the workman. Court notice was also issued to the workmen and advocate Shri N. K. Kapil to appear on 28-12-2005 which was delivered and received by Shri N.K. Kapil Advocate himself at his Chandigarh address. Further workmen are not appearing since 26-4-05 and did not appear on 12-8-05, 7-10-05, 16-11-05 and 28-12-05 and also today despite court notices Shri Ravi Kant Sharma learned counsel for the management submitted that it appears that workman not interested to persue with the present references as gainfully employed some where. Their advocate Shri N. K. Kapil also did not appear despite service. In view of the above submission and my perusal of the court file, I have found that since several dates the workman not appear advocate. Shri N. K. Kapil also not put up appearance despite service of court notice. It appears that workman is gainfully employed and not interested to persue with the present reference. In view of the above, the present references are returned to the Central Government for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh.

24-1-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

क्रा. आ. 1236.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. सी. एल. के प्रबंधन के संबंध में निजीकरण और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 39/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/268/2004-आई आर (सी एम- II)]

पी० सी० भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1236.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the management of Bina Project, Northern Coalfields Limited, and their workmen, received by the Central Government on 6-3-2006.

[No. L-22012/268/2004-IR (CM-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, Presiding Officer

I D. No. 39/2005

Ref. No. L-22012/268/2004-IR (CM-II) Dtd. 28-9-2005

BETWEEN

Sri Ashok Kumar Pandey, Regional Secretary Koyla Shramik Sabha, M-539, N. C. L. Bina Project, Bina, Distt. Sonebhadra (U. P.)

AND

The Chief General Manager, Bina Project, Northern Coalfields Ltd. P. O. Bina, Distt. Sonebhadra (U. P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow;

“Whether the action of the management of northern coalfields Ltd. in demoting Sri Chhotey Lal Harijan from mazdoor category-II to mazdoor category-I during the year 1993 is legal and justified? If so, what relief he is entitled?”

The copy of reference order was endorsed to the Chief General Manager, Bina Project N. C. L. Bina Project, Sonebhadra and the Regional Secretary Sri A. K. Pandey, Koyla Shramik Sabha, Bina Project, Sonebhadra. The copy of the reference order was received in CGIT-cum-Labour Court, Lucknow on 21-10-2005. It was clearly directed in the reference order that the parties raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witness with the Tribunal within 15 days of the receipt of this order of reference and also forward a copy of such a statement each one of the opposite parties involved in this dispute under rule 10 (B) of the Industrial Disputes (Central) Rules, 1957.

The trade union which espoused the cause did not file the statement of claim although the court waited for their statement of claim till 9-12-2005. When the trade union failed to file statement of claim as directed in the reference order, court issued notice to the trade to file statement of claim alongwith documents and list of witnesses on 12-1-2006. Further it was ordered to trade union also send a copy of statement of claim and documents etc. by registered post to opposite party and file the postal receipt in the court on the date fixed.

Trade union did not file the statement of claim. It was found that registered notice shall sent to the trade union on 13-12-05 and the registered article was not received back. It was therefore presumed that the trade union is sufficiently served. Thereafter on 16-1-2006 the court ordered that registered notice issued to the opposite party to file written statement documents etc. on 17-2-2006.

Today from 17-2-2006 the authorised representative Sri Sanjay Srivastava is present on behalf of employer i. e. Chief General Manager, Bina Project, Northern Coalfields Ltd. Bina, Sonebhadra, U. P. has filed authority letter A-4, with the application C-5.

Sri Sanjay Srivastava has stated that since claim statement or evidence has not been filed by the workman/trade union therefore the employer has no need to file w.s. any documents to prove the legality and justifications of demotion order is held by the Hon'ble High Court, Allahabad in FLR 1981 (29) page 194 V. K. Raj Industries and Labour Court (1) and others. He has placed before me the said case law and has argued that in the instant case

the Government of India, Ministry of Labour has referred the dispute for adjudication. It was for the trade union to plead and prove that Sri Chhotey Lal, Harijan from Mazdoor Category-II to Mazdoor Category-I was demoted during the year 1993 and thus the management of Northern Coalfields Ltd. Sonebhadra acted illegally and the action of the management was unjustified. He has argued that since the trade union has not come forward with any allegations against action of the management in demoting Sri Chhotey Lal was illegal and unjustified therefore the management is not bound to file any written statement and the court should pass no claim award.

I have perused the case law referred by Sri Sanjay Srivastava which is from Allahabad High Court. I come to the conclusion since the trade union has filed to plead and prove that the action of the management in demoting Sri Chhotey Lal was illegal and unjustified and therefore passed no claim award. No claim award passed accordingly.

LUCKNOW:

17-2-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1237.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 57/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/359/2003-आई आर (सी एम-II)]

पी. सी. भारद्वाज, डैस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1237.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 6-3-2006.

[No. L-22012/359/2003-IR (CM-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI**

Presiding Officer: Shri S.S. BAL

I. D. No. 57/2004

In the matter of dispute between :

1. The General Secretary,
Food Corporation of India Workers Union,
8585-Arakasha Road, Paharganj,
New Delhi - 110055.

2. The General Secretary,
Food Corporation of India
(Handling) Workers Union,
8654-Arakasha Road,
Paharganj, New Delhi-110055. Workman

Versus

The Managing Director,
Food Corporation of India,
16/20, Barakhamba Lane,
New Delhi-110001.Management

APPEARANCES:

Sh. Inderjeet Singh Adv. for the workman.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012/359/2003-IR (CM-II) dated 26-10-2004 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India in reducing the overtime rate from 1.25 times of daily normal hourly wages w.e.f. 22-7-2002 vide notice of change of service condition dated 1-7-2002 is legal and justified, If not, to what relief the workman are entitled ?"

2. The case was fixed for filing of claim statement today i.e. on 5-1-2006 when Shri Inderjeet Singh A/R for the workman union stated that the matter has been referred to the National Industrial Tribunal and furnished copy of the order dated 10-11-2005 marked 'X'. Perused of the order dt. 10-11-2005 marked 'X' which shows that this case stands transferred to the National Tribunal.

3. In view of this order supported with submission of the Ld. A/R for the workman I have become functus-officio to proceed with this matter and as such proceedings are dropped. File be consigned to record room.

Dated : 5-1-2006

S.S. BAL, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इण्डिया रेडियो के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 2/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-42012/36/2001-आई आर (सी- II)]

पी. सी. भारद्वाज, डैस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1238—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the management of All India

Radio and their workmen, received by the Central Government on 6-3-2006.

[No. L-42012/36/2001-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 2/2004

In the matter of dispute between :

Shri Ramesh and Shyam Lal,
Through the General Secretary,
Delhi Labour Union,
Aggarwal Bhavan,
G.T. Road, Tis Hazari,
Delhi-110054. Workmen

Versus

The Director,
All India Radio,
Akashwani Bhawan,
Parliament Street,
New Delhi-110001.Management

APPEARANCES: Workman in person with his A/R

Shri Aditya Aggarwal.

None for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L42012/36/2001-IR (C-II) dated 12-12-2003 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of All India Radio in terminating the services of S/Shri Ramesh and Shyam Lal is legal and justified, If not, to what relief they are entitled ?"

2. In response to the notice petitioner filed statement of claim and respondent management did not appear despite service of notice. Brief facts of this case as culled from the statement of claim are that the workmen S/Shri Ramesh and Shyam Lal joined into the employment of All India Radio w.e.f. 20-4-99 and 9-2-99 respectively as Labourers. Both workmen were being treated as muster roll employees and were paid as per minimum wages and revised from time to time under Minimum Wages Act for unskilled category of workmen. Workman has unblemished and meritorious record in service. Both the workmen were terminated from 3-5-1999 without assigning any valid reasons. The termination of their service is wholly illegal, unjust and malafide on the grounds that job on which workmen were working were regular and permanent-nature job and still continuing with the management (ii) Management in indulging in unfair labour practice as they have employed fresh hands namely Shri Vidhan etc. after terminating the services of the aforesaid workmen (iii). Even a large number of fresh hands as well as juniors to the workmen namely S/Shri Umesh, Deen Bandhu,

Montu, Barsati Lal & Keshav have been retained in service while the aforesaid workmen have been thrown out of job. (iv) The action of the management amounts to sheer exploitation of labour. (v) The action of the management amounts to unfair labour practice as provided in Section 2(ra) read with Item No.5 of the Industrial Dispute Act, 1947. (vi) That the action of the management is violative of Article 21 of the Constitution of India. (vii) That the workmen aforesaid have not committed any misconduct whatsoever. However, in case of any alleged misconduct, no memo or charge sheet was served upon the workmen, no domestic inquiry was conducted against them and they were not afforded any opportunity of being heard. (viii) No seniority list was displayed, no notice was given and no notice pay was offered or paid at the time of termination of services. (ix) The impugned termination of services is violative of Section 25 G and H of the I.D. Act, 1947 read with Rules 76 and 77 of the Industrial Disputes (Central) Rules, 1957. It is further stated that the demand notice was sent through registered A/D post vide communication dated 24-5-1999 but no reply has been sent to that demand notice. Thereafter industrial dispute was raised before the Conciliation Officer (Central) Govt. of India and Conciliation proceed were initiated but same resulted in failure. In view of the above stated facts the claimants request to pass award in their favour holding the action of the All India Radio in terminating their services as illegal and unjustified and they be reinstated and giving them full back wages.

3. The respondent did not file any written statement despite opportunities granted and the management was, therefore, proceeded ex parte on 14-12-2004. Thereafter case was fixed for ex parte evidence of the workman on 22-2-2005. The workman adduced his evidence on 21-12-2005 and closed his evidence. The workman made a statement stating that the action of the management is illegal and the facts made in the statement of claim were correct. He proved on record documents Ex. WW1/1 to 8.

4. I have heard A/R for the workmen. It is pertinent to mention that the claim on behalf of Shyam Lal was abandoned while only Ramesh preferred his claim and I have heard Shri Aditya Aggarwal A/R for the workman and perused the record and gave my anxious through to the contentions raised on behalf of the workman. The claim of the workman Ramesh that he was employed w.e.f. 20-4-89 as unskilled labour and received minimum wages under Minimum Wages Act for unskilled category of workman and that his services were terminated w.e.f. 3-5-99 without any reasons and he was not paid any compensation or given notice, notice pay or compensation and the action of the management is illegal under Section 25-G and H of the Act and that his juniors were engaged and the work of his job of permanent nature coupled with his statement in evidence recorded as WW1 go on record un rebutted and he has proved his claim that he was employed as labourer and his services were illegally terminated. In view of this he is entitled to reinstatement with full back wages and the award is accordingly passed. File be consigned to record room.

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ.1239.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रिज रूफ कंपनी (इण्डिया) लिमिटेड के प्रबंधन के संज्ञक नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के संचाल (संदर्भ संख्या 48/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

पी. सी. भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1239.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the Employers in relation to the management of Bridge and Roof Co. (India) Ltd. and their workmen, which was received by the Central Government on 6-3-2006.

[No. L-22013/1/2006-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 4th day of January, 2006

Industrial Dispute No. L. C. I. D. 48/2005

BETWEEN

Shri Polarapu Ustalu,
D. No. 65-3-723,
New Ex-Servicemen Colony,
Sriharipuram,
Malkapuram Post,
Visakhapatnam.

.... Petitioner

And

1. The Managing Director,
Bridge and Roof Co. (India) Ltd.,
A Government of India Undertaking,
427/1, Grand Trunk Road,
Howrah.
2. The Resident Engineer,
Bridge and Roof Co. (India) Ltd.,
A Government of India Undertaking,
H. P. C. L. Site, Visakha Refinery,
Malkapuram, Visakhapatnam-11. Respondents

APPEARANCES:

For the Petitioner : Sri S. Gangadhara Reddy,
Advocate
For the Respondent : Sri Andapalli Sanjeev Kumar,
Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L. C. I. D. No. 48/2005 and notices were issued to the parties.

2. The workman raised dispute against his illegal retrenchment by the Respondent Management on 11-9-2004. He prayed this Court to order for his reinstatement as well as back wages etc. Respondent also filed counter. Today, i. e., on 4-1-2006, the Petitioner is present in person and reported that he gave letter to Respondent withdrawing the case and not pressed the matter. Hence, petition dismissed as not pressed withdrawing the case.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 4th day of January, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 मार्च, 2006

क्रा. आ. 1240.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/41/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/262/95-आई आर (सी-II)]

पी. सी. भारद्वाज, डैस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1240.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/41/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers

in relations to the management of SECL and their workmen, which was received by the Central Government on 6-3-2006.

[No. L-22012/262/95-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM LABOUR COURT AT
JABALPUR**

No. CGIT/LC/R/41/96

Presiding Officer : Shri C. M. Singh

The President,
M. P. Koyla Mazdoor Sabha (HMS),
Sohagpur Area,
Distt. Shahdol

Workman/Union

Versus

Sub Area Manager,
Chachai Rungta Sub Area,
SECL, Distt. Shahdol

Management

AWARD

Passed on this 31st day of January, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012 (262)/95-IR (C-II) dated 30-1-96 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of Sub Area Manager, Chachai-Rungta Sub Area of Sohagpur of Area of SECL in reducing wages of Shri Nanki Sahu from Cat. III Workman to Cat. I workman w. e. f. Sept. 93 is legal and justified? If not, what relief the concerned workman is entitled to?”

2. After the reference order was received, it was duly registered on 12-2-96 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice on the workman/Union no one appeared for workman/Union. Notice was issued to management by registered AD post which has been received back with the endorsement of postal department that the management Sub Area Manager, Chachai-Rungta Sub Area, SECL, Distt. Shahdol-484001 has been closed. Under the above circumstances, this tribunal was left with no other alternative except to close the reference for award and therefore on 20-1-06, the reference was closed for Award.

3. It appears from the above that the parties have no interest in the reference and they do not want to prosecute it. Therefore it shall be just and proper to pass no dispute award in this reference.

4. In view of the above, no dispute award is passed without any order as to costs.

C. M. SINGH, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

क्रा. आ. 1241.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य

निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 26/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/318/एफ/92-आई आर (सी-II)]

पी. सी. भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O.1241.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/93) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relations to the management of Food Corporation of India and their workmen, which was received by the Central Government on 6-3-2006.

[No. L-22012/318/F/92-IR (C-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

**BEFORE SARI SANT SINGH BAL : PRESIDING
OFFICER: CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI**

I. D. NO. 26/93

In the matter of dispute between :

The General Secretary,
Food Corpn., of India Employees Union,
B-2/112, Paschim Vihar, New Delhi-110063.

Workman

Versus

The Managing Director,
Food Corpn., of India Employees Union,
16-20, Barakhamba Lane, New Delhi-110001.

Management

APPEARANCES:

None for the workman.

Shri Deepak Dewan, Shri M. M. Mehta
and Rajinder Singh for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012/318/F/92-IR (C-II) dated 23-2-93 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of FCI in denying to accept the enclosed 6 demands of the F. C.I Employees Union, is justified? If not, to what relief the concerned workmen are entitled to?”

2. In this case claim statement was filed on 20-4-93 claiming the following six demands of the F. C. I. employees Union :

1. Promotion to Selection Grade posts.
2. Synchronising of timings of District Office situated within depot premises and payment of synchronisation allowance.
3. Confirmation on promotion.
4. No vigilance clearance for grant of increment on acquiring professional qualification under circular I No. 40 of 1986 dt. 15-10-86.
5. Demarcation of jobs of various cadres.
6. Payment of loding charges during short procurement purchase postings.

2. Management filed written statement denying the claim of the workmen union.

3. Written statement was followed by rejoinder wherein contents of the written statement were denied and those of claim statement were reiterated to be correct.

4. After admission denial of documents the case was fixed for management evidence on 28-3-94. Then management filed affidavit of one Shri R. N. Sharma and for his cross examination case was adjourned to 6-2-94. On 6-2-94 MW not present. An application filed by the management for adjournment and case was adjourned to 7-8-95 for reply of the application of the workman and for management evidence. On 7-8-95, 18-9-95, 19-10-95 case was fixed for filling reply of the application and on 19-10-95 reply was filed. For arguments on the application case was adjourned to 4-12-95 then on 25-1-96 and 19-3-96. On 19-3-96 also adjournment was requested by the parties and case was adjourned to 20-5-96 for arguments on the application.

5. A persual of the record shows that Shri Vanjani Narain General Secretary of the Union appeared for the workman last on 19-3-96 and thereafter none has appeared for the workman on subsequent hearings on 20-5-96, 8-8-96, 26-9-96, 10-12-96, 30-1-97, 7-4-97, 3-6-97, 27-7-97, 18-9-97, 20-11-97, 2-2-98, 30-3-98, 1-6-98, 11-8-98, 27-10-98, 18-1-99, 17-4-99, 5-7-99, 30-8-99, 28-10-99, 28-12-99, 2-3-2000, 25-5-2000, 4-8-2000, 3-10-2000, 9-11-2000, 22-12-2000, 30-1-2001, 28-3-2001, 4-5-2001, 17-7-2001, 17-9-2001, 1-11-2001, 8-1-2002, 8-4-2002, 29-8-2002, 21-11-2002, 24-2-2003, 21-5-2003, 7-8-2003, 25-11-2003, 8-3-2004, 24-5-2004, 27-8-2004, 9-9-2004, 24-11-2004, 2-3-2005, 24-5-2005, 11-8-2005, 21-11-2005, 29-11-2005 and today on 15-2-2006 none has appeared on behalf of the workman and it is evident that the workman is not interested in prosecution of this case, as neither he nor anybody on his behalf has been appearing on any of the above mentioned dates during last 10 years under these circumstances no dispute award is passed file be consigned to record room.

Dated : 15-2-06 SANT SINGHBAL, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1242.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राष्ट्रीय उष्ट्र अनुसंधान केन्द्र के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण बीकानेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-42012/124/96-आई आर (डी.यू.)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1242.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bikaner as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Research Centre on Camel and their workman, which was received by the Central Government on 6-3-2006.

[No. L-42012/124/96-IR (DU)]

B.M. DAVID, Under Secy.

अनुबंध

औद्योगिक विवाद अधिकरण, बीकानेर

पीठासीन अधिकारी : श्री के० एल० माथुर,
आर. एच. जे. एस.

नुं मु० केन्द्रीय औद्यो. वि. प्रसंग सं० 8 सन् 1997

जनरल सैक्रेटरी, रेलवे कैम्पुअल लेबर यूनियन, डागा स्कूल के पास,
बीकानेर

—प्रार्थी/यूनियन

विरुद्ध

परियोजना निदेशक, राष्ट्रीय उष्ट्र अनुसंधान केन्द्र (केन्द्रीय) जोड़बीड़
शिवबाडी रोड केमल फार्म, बीकानेर

अप्रार्थी/नियोजक

प्रसंग अन्तर्गत धारा (10)(1)(घ), औद्योगिक विवाद
अधिनियम, 1947

उपस्थिति:—

- 1) श्री अरविन्द सिंह सेंगर, अधिकृत प्रतिनिधि, प्रार्थी यूनियन के लिये
- 2) श्री अजय पुरोहित, अधिवक्ता, अप्रार्थी नियोजक के लिये

अधिनिर्णय

दिनांक: 16 सितंबर, 2005

श्रम मंत्रालय, भारत सरकार, नई दिल्ली के द्वारा "औद्योगिक विवाद अधिनियम, 1947" (जिसे आगे चलकर केवल अधिनियम कहा जावेगा) की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन जारी अधिसूचना क्रमांक एल० 42012/124/96-आई.आर. (डी.यू.) दिनांक 9-7-97 के द्वारा प्रेषित इस प्रसंग के द्वारा निम्न विवाद इस अधिकरण में अधिनिर्णयार्थ भेजा था:—

"Whether the action for the management of National Research Centre on Camel, Jorbeer, Bikaner is justified in terminating the services of workmen S/Shri Magha Ram, Sohan Ram and Budha Ram w.e.f. 1-9-92 and employing Junior workman S/Shri Sugna Ram, Kishan etc. without giving any opportunity of employment? If not, what relief the workmen are entitled?"

2. प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया, दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिवचन पेश किये गये हैं अर्थात् प्रार्थी श्रमिकगण सर्वश्री मघाराम, सोहनराम, एवम् बुधराम की 1-9-92 से नियोजक द्वारा की गई सेवामुक्ति के सन्दर्भ में प्रार्थी यूनियन द्वारा क्लेम विवरण प्रस्तुत किया गया है और यूनियन द्वारा प्रस्तुत क्लेम विवरण का जवाब अप्रार्थी नियोजक द्वारा दिया गया है।

3. संक्षेप में प्रकरण के तथ्य इस प्रकार से बतलाये गये हैं कि कर्मचारीगण मघाराम, सोहनराम, एवम् बुधराम की नियुक्ति दिनांक 5-7-84 को दैनिक वेतन भोगी कर्मचारी के रूप में परियोजना निदेशक राष्ट्रीय उष्ट्र अनुसंधान केन्द्र जोड़बीड़ बीकानेर के अधीन की गयी, उनका कार्य ऊंटों के रिसर्च एवम् ऊंटों को चराने आदि का था, उन्हें नियुक्ति के समय 9 रु प्रतिदिन के हिसाब से देय था और सेवामुक्ति करते समय 22 रु प्रतिदिन के हिसाब से दिया जाता था। 1-9-92 को अप्रार्थी के द्वारा अपने मौखिक आदेश से सेवा से टर्मीनेट कर दिया गया जबकि उनके द्वारा एक कलेण्डर वर्ष में लगातार 240 दिन से अधिक कार्य करने के आधार पर वे लगातार कार्य करने वाले औद्योगिक कर्मचारी हो गये थे; श्रमिकगण की सेवा अनुचित, अवैध व अवैधानिक रूप से बतौर छंटनी समाप्त की गई और सेवा समाप्त करने से पूर्व एक माह का नोटिस, नोटिस वेतन एवम् किसी प्रकार का छंटनी मुआवजा नहीं दिया गया जिससे टर्मीनेशन की यह कार्यवाही निरस्तनीय है तथा कर्मचारियों की सेवा समाप्त करने से पूर्व उनके जैसा कार्य करने वाले कर्मचारियों की वरिष्ठता सूचि घोषित नहीं की गयी जिससे यह मालूम किया जा सके कि कौन पहले आया, कौन पीछे जाये यानि पहले आये पीछे जाये के सिद्धान्त की पालना नहीं की गयी, कनिष्ठ कर्मचारीगण श्री किशन, जेठाराम, सुरेश, भूरसिंह, सुल्तानसिंह, जालूसिंह, सुगनाराम, सुखाराम, भीयाराम, विक्रम, विद्याधर एवम् दुर्गासिंह को परमानेंट भी कर दिया जबकि वरिष्ठ होते हुए भी मघाराम, सोहनराम एवम् बुधराम की सेवा समाप्त कर दी गई जिससे उनके साथ घोर अन्याय हुआ है, कर्मचारियों की सेवा समाप्त करने से पूर्व केन्द्रीय सरकार से निर्धारित फार्म पर इस टर्मीनेशन बाबत स्वीकृति भी नहीं ली गयी। प्रार्थी यूनियन द्वारा औद्योगिक विवाद अधिनियम की धारा 25-एफ जी, एच एवम् नियम 77 का खुल्ला उल्लंघन करने का आक्षेप लगाते हुए अपने क्लेम विवरण में यह भी अंकित किया है कि कर्मचारियों की सेवा बाबत कोई शिकायत नहीं थी और सेवा पृथक् करने से कर्मचारीगण तथा उनके परिवार के सदस्य आर्थिक व मानसिक संकट में पड़ गये हैं और कर्मचारीगण अपनी सेवामुक्ति दिनांक 1-9-92 से अब तक बेरोजगार हैं तथा किसी भी लाभप्रद नियोजन में नहीं हैं, कर्मचारियों ने अपना विवाद आपसी बातचीत से हल करने की बहुत कोशिश की किन्तु नियोजक पक्ष ने इस बाबत किसी भी प्रकार का विचार नहीं किया, कर्मचारीगण ने यूनियन के माध्यम से जिसके कि वे सदस्य हैं अपना औद्योगिक विवाद समझौता

अधिकारी (केन्द्रीय) जयपुर के समक्ष उठाया जिसकी असफल वार्ता, प्रतिवेदन पर श्रम मंत्रालय भारत सरकार से यह विवाद अधिनिर्णयार्थ इस अधिकरण में प्राप्त हुआ है। अंत में तीनों कर्मचारियों को सेवा में पुनः सभी देय लाभों सहित बहाल करने व पिछला बकाया वेतन दिलाये जाने की प्रार्थना करते हुए यह भी अंकित किया है कि उनकी सेवा 5-7-84 से 1-9-92 तक लगातार रही है और उनकी सेवा में किसी भी प्रकार का ब्रेक नहीं है तथा उनकी सेवा अधिनियम के प्रावधानों के अन्तर्गत अनफेयर लेबर प्रेक्टिस मानते हुए समाप्त की गयी है।

4. अप्राथी नियोजक द्वारा प्रस्तुत जवाब दावे में श्रमिकों के क्लेम का प्रतिवाद करते हुए श्रमिकगण की नियुक्ति दिनांक एवम् सेवासमाप्ति दिनांक को अस्वीकार करने हुए जवाब दिया गया है कि प्रार्थीगण को अप्राथी द्वारा ना तो किसी पद पर नियुक्ति प्रदान की गई और ना ही सेवा पृथक किया गया, आकस्मिक श्रमिकों की वरिष्ठता सूची निर्मित किये जाने का कहीं भी प्रावधान नहीं है, अप्राथी द्वारा प्रार्थीगण को छंटनी के तौर पर सेवा से नहीं हटाया और ना ही उनकी सेवा किसी प्रकार से समाप्त की गयी, इस प्रकरण में औद्योगिक विवाद अधिनियम के प्रावधान आकृष्ट नहीं होते हैं, अन्य सभी तथ्यों को अस्वीकार करते हुए यह भी अंकित किया गया है कि प्रार्थी यूनियन के अधिकांश पदाधिकारी एडवोकेट के रूप में बार कॉन्सिल ऑफ राजस्थान में एनरोल्ड है तथा प्रार्थीगण की पैरवी एक वकील के स्थान पर चार-चार अधिवक्ताओं द्वारा की जा रही है, प्रार्थी यूनियन का कोई भी पदाधिकारी अप्राथी ट्रेड से सम्बद्ध नहीं है। विशेष कथनों में यह भी आपत्तियां ली गयी है कि अप्राथी के यहां रिसर्च वर्क होता है और रिसर्च सेंटर को माननीय उच्चतम न्यायालय एवम् उच्च न्यायालय द्वारा उद्योग में शामिल नहीं माना गया है अतः प्रस्तुत विवाद पर सुनवाई करने एवं गुणावगुण पर विवेचन किये जाने का माननीय न्यायालय को क्षेत्राधिकार एवम् श्रवणाधिकार नहीं है, अप्राथी संस्थान एक अनुसंधान केन्द्र है जो एक निश्चित अनुसंधान कार्यों को संपन्न करने हेतु केन्द्र सरकार द्वारा प्रदत्त बजट से चलाया जाता है और ऐसे कार्यों को संपादित किये जाने के दौरान आकस्मिक श्रमिकों द्वारा पूर्णतया अस्थाई तौर पर दैनिक वेतन पर कार्य किया जाता है और आकस्मिक कार्यों के समाप्त होते ही आकस्मिक श्रमिकों की कोई आवश्यकता नहीं होती है, आकस्मिक श्रमिकों को नियमित सेवा में आने का कोई अधिकार नहीं है, प्रार्थीगण द्वारा भी जितने भी दिवस आकस्मिक श्रमिक के रूप में कार्य किया गया उतने दिवस की मजदूरी का भुगतान किया जा चुका है, ऐसे आकस्मिक श्रमिक कार्य छोड़कर जाने हेतु स्वतंत्र होते हैं, दैनिक वेतन पर कार्य करने वाले आकस्मिक श्रमिकों पर औद्योगिक विवाद अधिनियम के प्रावधान लागू नहीं होते हैं और ना ही ऐसे आकस्मिक श्रमिक अधिनियम के अर्थ में कर्मकार की परिभाषा के अन्तर्गत आते हैं, प्रार्थीगण एवम् अप्राथी संस्थान के मध्य एम्पलोयी एवम् एम्पलायर का सम्बन्ध कभी भी विद्यमान नहीं रहा, वैधानिक नियमों के विद्यमान होते हुए भी औद्योगिक विवाद अधिनियम के तहत विवाद उत्पन्न किया जाकर औद्योगिक अधिकरण में वाद पर सुनवाई किया जाना विधि सम्मत नहीं है और अधिकरण को क्षेत्राधिकार नहीं है, प्रार्थीगण द्वारा उत्पन्न किया गया विवाद "औद्योगिक विवाद" की परिभाषा में नहीं आता है, प्रार्थीगण मेघाराम, सोहनराम व बुधाराम तीनों व्यक्तियों द्वारा भारत सरकार द्वारा अधिनिर्णयार्थ प्रेषित रैफरेन्स में वर्णित तिथि 1-9-92 के विगत वर्ष में

240 दिन की सेवायें पूर्ण नहीं की गयी हैं, प्रार्थी यूनियन अप्राथी संस्थान के ट्रेड से सम्बद्ध यूनियन नहीं है और अप्राथी संस्थान में कार्यरत कोई भी कर्मचारी प्रार्थी यूनियन का सदस्य नहीं है जबकि विधि अनुसार जिस ट्रेड से सम्बन्धित यूनियन हो उस यूनियन के कुल सदस्यों एवम् पदाधिकारियों की आधे से अधिक संख्या उस ट्रेड में नियोजित हो अतः अप्राथी संस्थान के विरुद्ध प्रार्थी यूनियन द्वारा उत्पन्न विवाद विधि विरुद्ध है तथा प्रार्थी यूनियन इस विवाद में प्रार्थीगण की ओर से प्रतिनिधित्व करने में सक्षम नहीं है। अंत में क्लेम खारिज करने की प्रार्थना की गयी है।

5. पक्षकारों द्वारा अपने-अपने पक्ष समर्थन में प्रस्तुत साक्ष्य के दौरान प्रार्थी पक्ष की ओर से साक्ष्य में प्रार्थी श्रमिकगण सर्वश्री मेघाराम, सोहनराम, एवम् बुधाराम के शपथपत्र पेश किये गये हैं तथा इसके विपरीत अप्राथी नियोजक पक्ष की ओर से कंवरपाल- सहायक प्रशासनिक अधिकारी का शपथ-पेश किया गया है। दोनों पक्षों द्वारा प्रलेखीय साक्ष्य पेश की गयी है तथा एक-दूसरे पक्ष के साक्षी से जिरह भी की गयी है।

6. विद्वान पक्षकारों की बहस सुनी गयी एवम् पत्रावली का अवलोकन किया गया, हमारे समक्ष लंबित इस प्रसंग के निस्तारण हेतु प्रमुख रूप से विचारणीय प्रश्न यही है कि क्या अप्राथी नियोजक पक्ष द्वारा श्रमिकगण सर्वश्री मेघाराम, सोहनराम एवम् बुधाराम को दिनांक 1-9-92 से सेवापृथक करते समय कनिष्ठ श्रमिकगण सर्वश्री सुगनाराम, किशन इत्यादि को नियोजित रखते हुए नियोजन का अवसर दिये बिना सेवापृथक करना उचित एवम् न्यायसंगत है यदि नहीं तो श्रमिकगण क्या राहत पाने के हकदार हैं इस बिन्दु को सिद्ध करने का भार प्रार्थी पक्ष पर ही था।

7. इस सम्बन्ध में साक्ष्य के दौरान श्रमिकगण सर्वश्री मेघाराम, सोहनराम एवम् बुधाराम द्वारा प्रस्तुत अपने-अपने शपथपत्र में प्रार्थी यूनियन द्वारा प्रस्तुत क्लेम विवरण में अंकित तथ्यों की पुनरावर्ती करते हुए बताया है कि उनकी नियुक्ति दैनिक वेतन भोगी कर्मचारी के रूप में परियोजना निदेशक राष्ट्रीय ऊष्ट्र अनुसंधान केन्द्र जोड़बीड बीकानेर के अधीन की गयी थी, जब दैनिक वेतन भोगी रखा गया था उस समय ऊंटा के बारे में ऊंटों की बीमारी के बारे में कई प्रकार के प्रश्न पूछे गये थे, जब प्रश्नों के उत्तर सही मिले तो रखा गया था, प्रार्थी का गांव गादवाला है जो राष्ट्रीय ऊष्ट्र अनुसंधान केन्द्र जोड़बीड बीकानेर के पास ही है उस समय राईका जाति के व्यक्तियों को ही रखा गया था, प्रार्थी श्रमिक भी राईका जाति का है और राईका जाति के पूर्वज ही हमेशा से ऊंटों का टोला घराना, ऊंटों को पालना, ऊंट रखना आदि का कार्य किया करते थे, प्रार्थी से उक्त अनुसंधान केन्द्र में ऊंट व ऊंटनियों के टोलों को जंगल में चराकर लाना, पानी पिलाना, उनका वजन करना, छोटे टोडियों का वजन करना, उनके दाँत समय पर निगना दुध दूहना, ब्याने के समय निगरानी रखना ऊंटों को गाड़ों में जोतकर बाही निकालना, उनकी बीमारी का ध्यान रखना, नकेल डालना, गाड़े में जोतकर 10 से 25 किंग्टल तक वजन डालकर खिंचवाना व ऊंटों के सांस गिनना, उनको बैठना सीखाना, उनके साथ भागना, फिर पूंछ पकड़कर ऊंट पर चढ़ाना जैसे अन्य कार्य भी उससे करवाये जाने थे, प्रार्थी को ऊंट के बारे में पुरी जानकारी थी, नियुक्ति के समय 9 रु फिर 14 रु और हटते समय 22 रु प्रतिदिन की दर से भुगतान किया जाता था, प्रत्येक श्रमिक नेकडा, टंडन, बिस्साजी, शर्माजी व नागपाल की देखरेख में काम करना बताया

हुए निदेशक द्वारा स्वयं की सेवा 1-9-92 को बतौर छंटनी मौखिक आदेश से समाप्त करना बताते हुए यह भी बताया है कि निदेशक व उनके अन्य अधिकारियों को कुछ अपने चहेते व्यक्तियों को नौकर रखा था, प्राथी को सेवा पृथक करने के पश्चात् जेठाराम मेघवाल, सुरेश राजपूत, भूरसिंह राजपूत, सुल्तानसिंह राजपूत, जालूसिंह राजपूत, विक्रम मीणा एवम् विद्याधर मीणा व दुर्गासिंह राजपूत को नौकरी में रखा गया और उसके साथ काम करने वाले कनिष्ठ कर्मचारीगण सर्वश्री सुगनाराम राईका, सुखाराम राईका, भीयाराम राईका व धूडाराम राईका, सोहनराम पुत्र बाबूराम राईका, श्री किशन पुत्र तनाराम राईका व अन्य की सेवायें समाप्त नहीं की गयीं जो आज भी सेवा में हैं। प्राथी की सेवा पृथक करने से पूर्व उसे एक माह का नोटिस एवम् नोटिस वेतन अथवा अन्य किसी प्रकार का मुआवजा नहीं दिया गया, उन जैसा कार्य करने वाले श्रमिकों की वरिष्ठता सूची घोषित नहीं की गयी, प्राथी ने अपना औद्योगिक विवाद केन्द्रीय श्रम विभाग के माध्यम से चलाया जिसकी असफल वार्ता रिपोर्ट प्रदर्श डब्ल्यू.1 के आधार पर यह विवाद न्यायालय में आया है, असफल वार्ता रिपोर्ट में अप्राथी ने अपने जवाब में यह दर्शाया है कि श्रमिक प्राथी को दैनिक वेतन भोगी श्रमिक के पद पर दिसम्बर, '84 में रखा गया था और 240 दिन पूरे नहीं किये। श्रमिकगण ने न्यायालय के समक्ष एक प्रार्थनापत्र 16-1-2001 को प्रस्तुत कर अप्राथीगण से जुलाई, '84 से सितम्बर, '92 तक का रिकार्ड मंगवाया था परन्तु शपथपत्र की चरण सं० 17 में वर्णित रिकार्ड के अलावा अन्य रिकार्ड पेश नहीं किया, अप्राथी के यहाँ विभिन्न यूनिट्स हैं। उसे कभी किसी यूनिट से कभी किसी यूनिट से भुगतान किया जाता था। श्रमिक से सम्बन्धित पूर्ण रिकार्ड जानबूझकर पेश नहीं किया गया है और अलग-अलग यूनिट बाबत उसे नहीं बताया जो अनफेयर लेबर प्रेक्टिस में आता है, प्राथी 1-9-92 से आज तक बेरोजगार है और किसी भी लाभप्रद नियोजन में नहीं है, प्राथी सेवा समाप्ति के बाद कई बार अपने नियोजक से मिला तो उसे केवल मात्र यही आश्वासन दिया जाता रहा कि कुछ दिन ठहरो आपको परमानेन्ट रख लेंगे परन्तु रखा नहीं, सभी लाभ दिलाये जाने की प्रार्थना करते हुए पुनः बहाल करने की प्रार्थना की गयी है। प्राथी श्रमिक मेधाराम ने प्रदर्श डब्ल्यू. 2 व 3 क्रमशः समझौता अधिकारी क्लेम व जबाब भी पेश किये हैं।

नियोजक पक्ष द्वारा प्रतिपरीक्षण करने पर श्रमिक मेधाराम यह भी बताता है कि मैं जिस विभाग में काम करने का कहता हूँ उसका पूरा नाम पता नहीं है क्योंकि मैं अनपढ़ हूँ और स्वीकार करता है कि उसका पूरा नाम राष्ट्रीय उष्ट्र अनुसंधान केन्द्र है जहाँ ऊंटों के नस्ल सुधार बाबत रिसर्च का काम होता है, इस केन्द्र में कोई वस्तु का फैक्ट्री की तरह उत्पादन नहीं होता है, यह विभाग केन्द्रीय सरकार दिल्ली से संचालित होता है। मैंने खन्ना साहब के मौखिक आदेश से ड्यूटी प्वाइन् की थी लेकिन इस बाबत लिखित में आदेश नहीं दिया। खन्ना साहब को इसलिये जानता हूँ कि उस विभाग में मेरा भाई काम करता है, मैंने 5-7-84 को काम पर लगने बाबत रिकार्ड पेश नहीं किया, यह गलत है कि दिनांक 5-7-84 को खन्ना साहब की नियुक्ति बतौर डायरेक्टर के हुई हो उस दिन तो हमें ऊंट पकड़ने के लिये बुला लिया था। गवाह सैक्शन के बारे में अनभिज्ञता बतलाते हुए यह भी कथन करता है कि मैं नहीं बलता सकता कि मैंने कितने-कितने दिन किस-किस सैक्शन में काम किया और यह स्वीकार करता है कि ऊंटों की ट्रेनिंग के बाबत किसी प्रकार का प्रमाणपत्र मेरे पास नहीं है तथा यह कहता है कि मैं नौकरी छोड़कर

स्वयं नहीं गया बल्कि श्री खन्ना साहब ने मौखिक आदेश से हटाया था। मुझे पता नहीं है कि हटाने समय मैं किस यूनिट में काम करता था बल्कि मैं तो फार्म में काम करता था, मैं जिस जगह काम करता था वहाँ इन्चार्ज मोहन सिंह बाबू था। यह सही है कि जितने दिन काम किया उतने दिनों का भुगतान मस्टररोल पर कर दिया गया है। मैंने डाक्टर टंडन, डॉक्टर बिस्सा, डॉक्टर झकमोला व डॉक्टर नागपाल की यूनिट में कब-कब काम किया पता नहीं है तथा सुगनाराम, सुखाराम, भीयाराम, धूडाराम, सोहनराम व किशन को किस तारीख-महीने व साल में नियुक्त किया पता नहीं लेकिन मेरे साथ वाले सुगनाराम, सुखाराम, भीयाराम, धूडाराम, सोहनराम मेरे साथ ही काम करते थे जिनको नहीं हटाया। यदि इनकी नियुक्ति नियोजन कार्यालय के माध्यम से हुई हो तो पता नहीं। यह सही है कि कैमल फार्म के पास भेड़ फार्म व घोड़ा फार्म है मैंने भेड़ फार्म में कभी काम नहीं किया। यह कहना गलत है कि मैंने वर्ष 1985 में 25 दिन, 1986 में 69 दिन और 1988 में 26 दिन भेड़ फार्म में काम किया हो। मैं यह नहीं बता सकता कि 240 दिन पूरे वर्ष या कलेण्डर वर्ष में किसके पास कितने दिन काम किया। यह सही है कि मैंने लगातार काम करने का कोई दस्तावेज पेश नहीं किया है।

इसी प्रकार गवाह सोहनराम ने भी प्रतिपरीक्षण में बताया है कि उसकी जानकारी में नहीं है कि इस विभाग में ऊंटों की नस्ल सुधार बाबत रिसर्च का काम होता है या नहीं लेकिन ऊंटों का काम होता है, मुझे खन्ना साहब ने मौखिक आदेश से काम पर रखा था कोई आदेश नहीं दिया था। यह कहना गलत है कि 5-4-84 को ही विभाग की स्थापना हुई हो और बतौर निदेशक खन्ना साहब को नियुक्त किया गया हो, मुझे उसी दिन काम पर रखा था, मैं नहीं कह सकता कि कितने दिन किस-किस यूनिट में काम किया था, मेरे पास ऊंटों की ट्रेनिंग बाबत किसी प्रकार का प्रमाणपत्र नहीं है, मुझे मोहनजी बाबू व खन्ना साहब दोनों ने हटाया था। आदेश लिखित में नहीं दिया था। यह कहना गलत है कि मैं स्वयं ही काम छोड़कर चला गया होऊँगा। इस केन्द्र में कोई यूनिट नहीं है सारा एकल ही काम था। डॉक्टर शर्मा, डाक्टर बिस्सा आदि जो मुझे काम सौंपते थे वह मैं कर देता और मोहनजी मस्टर रोल में हाजरी लिखते, मैंने किस-किस अधिकारी के पास कितने-कितने दिन काम किया मैं नहीं बतला सकता। सुखाराम व भीयाराम आदि मेरे काम करते समय तथा हमारे बाद में लगे थे। सुगनाराम, धूडाराम, सोहनराम आदि का नाम नियोजन कार्यालय के मार्फत आया हो तो पता नहीं है। मैं तो नियोजन कार्यालय के मार्फत नियुक्त नहीं हुआ था। मैंने कब-कब तक काम किया इस बाबत प्रमाणपत्र या रिकार्ड पेश नहीं किया है। मुझे पता नहीं कि मैंने किस साल में 240 दिन तक काम किया हो, मैंने तो लगातार काम किया है। यह कहना गलत है कि मैं स्वयं ही काम छोड़कर चला गया होऊँ मुझे तो काम से हटाया था।

इसी प्रकार गवाह बुद्धाराम ने भी प्रतिपरीक्षण में बताया है कि मुझे पता नहीं कि इस केन्द्र में ऊंटों की नस्ल सुधार का काम होता है या नहीं, इस केन्द्र पर सरकार का नियंत्रण है और यह सही है कि इस केन्द्र पर फैक्ट्री की तरह से किसी प्रकार का उत्पादन नहीं होता है। यह कहना गलत है कि 5-5-84 को इस केन्द्र की स्थापना हुई हो और परियोजना निदेशक ही नियुक्त हुआ हो और हमें काम पर नहीं रखा हो। मैंने इस केन्द्र में नियुक्त होने या काम करने बाबत किसी प्रकार का प्रमाणपत्र

पेश नहीं किया है। यह कहना गलत है कि मुझे जिस समय काम पर रखा उस समय मुझे बतौर दैनिक वेतन भोगी श्रमिक के रूप में रखा हो, मुझे तो स्थाई रूप से रखा था परन्तु इस बाबत कोई पत्र या आदेश नहीं दिया था। मैंने डाक्टर बिस्सा, झकमोला, शर्मा व टण्डन के पास किस-किस यूनिट में कब-कब व कितने दिन काम किया मुझे पता नहीं है। हमें तो मोहनजी बाबू ने हटाया था और इस बारे में कोई पत्र या आदेश नहीं दिया। मोहनजी द्वारा काम से हटाने की बात शपथपत्र में नहीं लिखी है। इस कैमल फार्म के पास ही भेड़ फार्म और घोड़ा फार्म भी हैं यह कहना गलत है कि मैंने भेड़ फार्म में सन् 1985 में 75 दिन, 1986 में 151 दिन, 87 में 36 दिन और 88 में 100 दिन काम किया हो। शपथपत्र की चरण सं० 12 में अंकित श्रमिकों की नियुक्ति तारीख महीना व साल भ्रम नहीं है और इनकी नियुक्ति नियोजन कार्यालय के मार्फत हुई या कैसे हुई मुझे पता नहीं है। यह सही है कि मेरी नियुक्ति नियोजन कार्यालय के मार्फत नहीं हुई। मैं यह नहीं बतला सकता कि मैंने यूनिट के किन प्रभारी के अधीन वर्ष में 240 दिन तक काम किया। यह कहना गलत है कि मैं स्वयं ही काम छोड़कर चला गया हूँ।

8. इसी सम्बन्ध में निदेशक के साक्षी कंवरपाल शर्मा, सहायक प्रशासनिक अधिकारी ऊंट अनुसंधान केन्द्र जोड़बोड़ का बतलाना है कि राष्ट्रीय उष्ट्र अनुसंधान केन्द्र जोड़बोड़ की स्थापना केन्द्रीय सरकार द्वारा 5-7-84 से की गयी और उस दिन केवल मात्र निदेशक की नियुक्ति हुई थी उस दिन किसी भी दैनिक वेतन भोगी कर्मचारी के नियुक्ति आदेश नहीं हुए थे, राष्ट्रीय उष्ट्र अनुसंधान केन्द्र जोड़बोड़ (जिसे आगे सुविधा के लिये केन्द्र कहा जावेगा) अपने नाम के अनुरूप ऊंट के सम्बन्ध में उनकी गुणवत्ता एवम् नस्ल को उन्नत करने के लिये अनुसंधान कार्य होता है, यहाँ फैक्टरी की भाँति किसी भी वस्तु का उत्पादन नहीं होता है एवम् अनुसंधान केन्द्र इण्डस्ट्री या उद्योग की श्रेणी में नहीं आता है इस केन्द्र का संचालन आई.सी.आर. के माध्यम से होता है और अलग-अलग ईकाई एवम् खण्ड में बंटा हुआ है और हर यूनिट का अलग-अलग प्रभारी होता है जिसकी अलग-अलग प्लानिंग होती है और एन.आर.सी.सी. की कार्यव्यवस्था व इसका प्रबन्धन मुख्य रूप से 4 भागों में बंटा हुआ है; (1) रिसर्च सैक्शन, (2) फार्म सैक्शन (3) कोर फैसिलिटीज एवम् (4) एस्टेट यूनिट। प्रत्येक यूनिट में स्ट्रेन्थ, स्टाफ का उपस्थिति रजिस्टर और प्रभारी अलग-अलग होता है एवम् हर यूनिट की प्रणाली अलग होती है, यह केन्द्र सरकार द्वारा प्रदत्त बजट द्वारा चलाया जाता है और ऐसे कार्यों को संपन्न करवाने के दौरान आकस्मिक श्रमिकों द्वारा पूर्णतया अस्थाई तौर पर दैनिक वेतन पर कार्य लिया जाता है और ऐसे आकस्मिक श्रमिकों द्वारा निर्धारित आकस्मिक कार्यों को करने के बाद आकस्मिक व मौसमी कार्य समाप्त होते ही आकस्मिक श्रमिकों के कार्य की कोई आवश्यकता नहीं होती है और ऐसे श्रमिकों को नियमित सेवा में आने का कोई विधिक अधिकार नहीं होता है। केन्द्र द्वारा किसी भी आकस्मिक दैनिक वेतन भोगी कर्मचारी के कभी भी कोई नियुक्ति पत्र जारी नहीं किये गये एवम् प्रार्थीगण द्वारा लगाये गये आरोप के अनुसार कभी भी अपने चहेते व्यक्ति को नौकरी पर नहीं लगाया गया क्योंकि केन्द्र नियमों के अन्तर्गत क्षेत्रीय रोजगार कार्यालय से प्राप्त अभ्यर्थियों की सूची में से ही योग्य व्यक्तियों को नियमानुसार नियुक्ति दी गयी है एवम् प्रार्थीगण मेघाराम, सोहनराम व जुद्धाराम का नाम कभी भी

क्षेत्रीय रोजगार कार्यालय से आने वाली सूची में नहीं था। सेवा समाप्ति से पूर्व नोटिस, नोटिस वेतन या मुआवजे की मांग केवल स्थाई कर्मचारी ही कर सकते हैं। आकस्मिक दैनिक वेतन भोगी कर्मचारी इस प्रकार के भुगतान प्राप्त करने के अधिकारी नहीं है तथा विभाग द्वारा आकस्मिक दैनिक वेतन भोगी कर्मचारियों की वरिष्ठता सूची की घोषणा नहीं की है क्योंकि किसी अस्थाई दैनिक वेतन भोगी कर्मचारी को प्रोजेक्ट में विशेष कार्य को समयावधि के लिये रखा जाता है इसलिये उनकी कोई वरीयता सूची नहीं बनती है एवम् विशिष्ट काम के समाप्त होने पर स्वतः ही उनका कार्यकाल समाप्त हो जाता है। प्रार्थीगण भी यह कार्य न होने पर पास के घोड़ा फार्म व भेड़ फार्म व ऊँट रिसर्च सेंटर पर काम करने जाते थे जहाँ सन् 1985 से 88 तक किये गये कार्य का विवरण प्रदर्श एम-1, है, आकस्मिक दैनिक वेतन भोगी श्रमिकों पर औद्योगिक विवाद अधिनियम 1947 लागू नहीं होता है और वे कर्मकार की परिभाषा में नहीं आते हैं। प्रार्थीगण द्वारा उत्पन्न किया गया विवाद औद्योगिक विवाद की परिभाषा में नहीं आता है, प्रार्थीगण द्वारा प्रेषित प्रसंग में वर्णित तिथि 1-7-92 से पूर्व एक वर्ष में 240 दिन की सेवायें नहीं दी गयी हैं तथा इसके अलावा भी किसी भी वर्ष में 240 दिन की सेवायें नहीं दी गयी हैं। न्यायालय के आदेशानुसार वर्ष 89 से 92 तक के प्रार्थीगण द्वारा किये गये कार्यों से सम्बन्धित मस्टररोल का निरीक्षण प्रार्थीगण को करवा दिया गया है एवम् उनकी एक प्रति न्यायालय में भी प्रस्तुत की गयी है जो प्रदर्श एम-2 से एम-14 है जिससे भी यही साबित होता है कि किसी भी वर्ष में लगातार 240 दिन कार्य प्रार्थीगण ने नहीं किया है। गवाह ने प्रतिपरीक्षण में बताया है कि मैं इस विभाग में नवम्बर 84 से कार्यरत हूँ तथा एन.सी. खन्ना हमारे वहाँ परियोजना निदेशक थे जिनके हस्ताक्षर प्रदर्श डब्ल्यू. 3 पर ए से जी है। प्रार्थीगण ने किस-किस महीने में कितने-कितने दिन काम किया यह मुझे याद नहीं है। हमारे विभाग में ऊंटों की देखभाल का काम होता था। शपथपत्र की चरण सं. 4 में वर्णित सभी ईकाईयां, केन्द्र के परियोजना निदेशक के अधीन आती थी जो समस्त ईकाईयों के प्रभारी हैं, विभाग में टोडियो का दूध अनुसंधान के लिये निकाला जाता होगा हमारे काम के लिये दूध नहीं निकालते हैं, हमारा केन्द्र स्थाई विभाग है। तीनों कर्मकारों को हटाने से पहले नोटिस, नोटिस वेतन या मुआवजा नहीं दिया तथा वरिष्ठता सूची का प्रकाशन भी नहीं किया, स्थाई नियुक्ति के लिये नियोजन कार्यालय के माध्यम से नाम मंगवाते हैं। तथा दैनिक वेतन पर नियुक्ति हेतु नियोजन कार्यालय से नाम नहीं मंगवाते हैं। चतुर्थ श्रेणी, लिपिक एवम् तकनीकी श्रेणी के कर्मचारियों की स्थाई नियुक्ति के लिये नियोजन कार्यालय से नाम मंगवाये जाते हैं, किशन जेटाराम, सुरेश, भूरसिंह, सुल्तानमिंह, जालूमिंह, सुगनाराम, सुखाराम, भीराराम, विक्रम, विद्याधर एवम् दुर्गासिंह आज भी नियोजन कार्यालय से प्राप्त सूची के आधार पर कार्यरत हैं, सभी कर्मकार तीनों प्रार्थीगण से कनिष्ठ हो तो मुझे पता नहीं है। तीनों प्रार्थीगण ने विभाग में त्यागपत्र नहीं दिया था।

9. विद्वान पक्षकारों की बहस एवम् पत्रावली के अवलोकन से हम देखते हैं कि प्रार्थीगण ने समझौता अधिकारी के समक्ष अप्रार्थी द्वारा प्रस्तुत अर्थात् प्रदर्श डब्ल्यू. 3 का उल्लेख करते हुए तर्क दिया है कि इस जबाब में महत्वपूर्ण बिन्दुओं पर कोई टिप्पणी नहीं की गयी है जो तथ्य प्रार्थीगण के क्लेम को साबित करता है एवम् अप्रार्थी नियोजक पक्ष की

स्वीकारोक्ति को दर्शाता है। हम, विद्वान प्रतिनिधि श्रमिक पक्ष के इस तर्क से सहमत नहीं हैं क्योंकि वाद के महत्वपूर्ण बिन्दु की स्वीकारोक्ति विशिष्ट रूप से की जानी चाहिये केवल मात्र टिप्पणी नहीं करने से वाद बिन्दु की स्वीकारोक्ति नहीं माना जा सकता।

10. स्वयं प्रार्थीगण एवम् अप्रार्थी गवाहान ने यह स्वीकार किया है कि अप्रार्थी केन्द्र में अनुसंधान कार्य होता था एवम् किसी प्रकार का कोई उत्पादन या निर्माण आदि का कार्य नहीं होता है अर्थात् अप्रार्थी केन्द्र एक अनुसंधान केन्द्र होना प्रमाणित होता है एवम् इस तथ्य को स्वयं प्रार्थीगण भी स्वीकार करते हैं। अनुसंधान केन्द्र किसी विषय विशेष पर आम जनता को लाभ पहुँचाने हेतु अनुसंधान कार्य करके नये सिद्धान्त प्रतिपादित करता है एवम् नये मार्गदर्शन निर्धारित करता है, ऐसे केन्द्र को किसी भी रूप में उद्योग की संज्ञा नहीं दी जा सकती। ऐसे केन्द्र में विशेषज्ञ व्यक्तियों की ही आवश्यकता होती है। नियोजक पक्ष का बतलाना है कि स्थाई पदों पर नियुक्तियाँ नियोजन कार्यालय के माध्यम से प्राप्त सूची के आधार पर की जाती हैं जैसाकि नियमों में प्रावधान है एवम् प्रार्थीगण का नाम स्थाई पद पर नियुक्ति हेतु नियोजन कार्यालय से प्राप्त नहीं हुआ है एवम् स्वयं प्रार्थी श्रमिकगण ने स्वीकार किया है कि उनकी नियुक्ति दैनिक वेतन भोगी श्रमिक के रूप में हुई थी, ऐसी सूरत में भी प्रार्थी श्रमिकगण को स्थाई नियुक्ति का कोई अधिकार नहीं मिलता है। स्वयं प्रार्थी श्रमिकगण भी नियोजक कार्यालय का रिकार्ड का निरीक्षण करके किसी भी दस्तावेज या उपस्थिति रजिस्टर से यह सिद्ध नहीं कर सके हैं कि उन्होंने सेवामुक्ति के तत्काल पूर्व 12 महीनों में लगातार 240 दिन कार्य किया या किसी भी वर्ष में लगातार 240 दिन कार्य किया। नियोजन पक्ष द्वारा प्रस्तुत मस्टररोल प्रदर्श एम-2 से एम-114 से किसी भी श्रमिक द्वारा सेवामुक्ति से तत्काल पूर्व एक कलेण्डर वर्ष में 240 दिन लगातार कार्य करना प्रमाणित नहीं होता है एवम् स्वयं श्रमिक प्रार्थीगण भी इन मस्टररोल प्रदर्श एम-2 से 114 जिनका उन्होंने निरीक्षण किया है से भी यह सिद्ध नहीं कर सके हैं कि सेवामुक्ति से पूर्व तत्काल एक वर्ष में या किसी भी वर्ष में उन्होंने 240 दिन लगातार कार्य किया है। नियोजक पक्ष ने प्रदर्श एम-1 के माध्यम से यह प्रमाणित किया है कि वर्ष 1985, 86, 87 व 1988 में प्रार्थी श्रमिकगण बुद्धाराम पुत्र बाबूराम एवम् मघाराम पुत्र भूराम ने केन्द्रीय भेड़ एवं अनुसंधान संस्थान में कार्य किया है एवम् उनके कार्य दिवसों का वर्णन भी प्रदर्श एम-1 में दिया गया है एवम् इन प्रार्थीगण ने इस प्रदर्श एम-1 का खण्डन करने का कोई प्रयास नहीं किया है एवम् न्यायालय में यह असत्य कथन किया है कि उन्होंने भेड़ फार्म में कार्य नहीं किया है। प्रत्येक प्रार्थी श्रमिक ने अपने शपथपत्र की चरण सं. 17 में स्वयं द्वारा कथित तौर पर नियोजक के अधीन किये गये कार्य दिवसों का विवरण तो दिया है परन्तु इसकी पुष्टि किसी भी प्रमाण से नहीं होती है और इससे भी किसी भी कलेण्डर वर्ष में या सेवामुक्ति के तत्काल पूर्व कलेण्डर वर्ष में किसी भी प्रार्थी द्वारा 240 दिन कार्य करने की पुष्टि नहीं होती है तथा प्रार्थी श्रमिकगण ने निदेशक श्री एन.डी. खन्ना या लिपिक मोहन द्वारा 1-9-92 से सेवा पृथक करने की पुष्टि किसी भी साक्ष्य से नहीं होती है एवम् यह पाया जाता है कि प्रार्थीगण को निश्चित अवधि के लिये निश्चित कार्य पर रखा जाता था जो कार्य समाप्त होने पर प्रार्थीगण का नियोजन स्वतः ही समाप्त हो जाता था।

11. उपरोक्त विवेचना के आधार पर हम देखते हैं कि प्रार्थीगण ने उनके नियोजक द्वारा 1-9-92 से सेवा से पृथक करने की पुष्टि किसी भी साक्ष्य से नहीं होती है अतः प्रार्थीगण कोई राहत या राशि प्राप्त करने के अधिकारी नहीं हैं।

12. अतः केन्द्रीय सरकार द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए यह पंचाट इस प्रकार से पारित किया जाता है कि प्रार्थी श्रमिकगण सर्वश्री मघाराम, सोहनराम एवम् बुद्धाराम को उनके नियोजक प्रबन्धतंत्र राष्ट्रीय उष्ट्र अनुसंधान केन्द्र जोड़बीड़, बीकानेर द्वारा 1-9-92 से सेवा से पृथक करने की पुष्टि किसी भी साक्ष्य से नहीं होती है अतः प्रार्थी श्रमिकगण कोई राहत या राशि प्राप्त करने के अधिकारी नहीं हैं।

उक्त अधिनिर्णय केन्द्रीय सरकार को अधिनियम की धारा 17(1) के अन्तर्गत प्रकाशनार्थ भेजा जावे।

के.एल. माधुर, न्यायाधीश

नई दिल्ली, 6 मार्च, 2006

का. आ. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऐरोनाटिकल्स डेवलपमेन्ट एस्टेब्लिशमेन्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट (संदर्भ संख्या 87/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-140 1/3/98-आई आर (डी.यू.)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/98) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Aeronautical Development Estt. and their workman, which was received by the Central Government on 6-3-2006.

[No. L-14011/3/98-IR (Du)]

E.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 1st February, 2006

PRESENT:

Shri A.R. Siddiqui, Presiding Officer

C.R. No. 87/98

I Party

The General Secretary,
Aeronautical Development
Establishment Civilian
Employees Union,
C.V. Raman Nagar,
Bangalore-560 075

II Party

The Director,
Aeronautical Development
Establishment, C.V. Raman
Nagar, Bangalore-560 075.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-14011/3/98/IR (DU) dated 7th September 1998 for adjudication on the following schedule :

SCHEDULE

“Is the management of Aeronautical Development Establishment, Bangalore justified in denying higher pay scale of Shri V. Ramaswamy, Carpenter, Grade-II and allowing a junior to draw higher pay scale than a senior? If so, to what relief Shri V. Ramaswamy is entitled to?”

2. The first party workman is in the service of the Second Party from Forenoon of 10-5-1966 and he was appointed as Carpenter, Gr. III and placed in the pay scale of Rs. 85-110. He was promoted as Carpenter, Gr. II w.e.f. 7-1-1992 and the pay scale of that post is Rs. 85-128. The corresponding pay scale of this as a consequence of implementation of III CPC is Rs. 225-308. The new pay scales were implemented from 1-1-1973 and the management deliberately brought down to the scale of Rs. 210-290. The corresponding pay scale of Rs. 225-308 was to be fixed but without applying the mind the scale was brought down to lower scale. The pay commission reports are nothing but the judicial decisions and they have to be understood properly and implemented correctly. First party workman made several representations but nothing was done. It is the further case of the workman that he was promoted as Carpenter on 22-4-1975 and again promoted as Junior Mechanic w.e.f. 19-6-1978 and then promoted as Tradesman-A w.e.f. 30-6-1984. This was on account of his better performance. One Mr. J. Selvaraj, T. No. 94, Carpenter, Gas Turbine Research Establishment, Ministry of Defence, Bangalore, who was also working as Carpenter w.e.f. 12-3-1972 has been given by an order vide ARBD-177/88, Rs. 225-308 scale and arrears were also paid. The judgements of the courts/tribunals should be suo moto applied to all similar cases and similarly placed persons should not be deprived of the same. The workman has also stated the case of S. Sripathy and A. Henry in para 8 and 9 of the Claim Statement. Pay anomaly existed from 1-1-1973. From this date the first party is entitled to draw the pay and allowances in the scale of pay of Rs. 225-308. The first party is put to heavy financial loss because of the biased

attitude of the Second Party, Action of the management is not correct and this amounts to unfair labour practice. The Workman for these reasons has prayed to pass award in his favour.

3. Against this, the case of the management in brief is as under :—

It is the case of the management that Shri V. Ramaswamy joined as Carpenter Grade-III in the pay scale of Rs. 85-110 on 10-5-1966 and he was promoted as Carpenter Grade-II in pay scale of Rs. 85-198 w.e.f. 7-1-1972. His pay was fixed at Rs. 101/- per month. The corresponding pay scale for Rs. 85-128 by 3rd Pay Commission was given as Rs. 210-290 w.e.f. 1-1-1973. This was an unified scale for both the pay scales of Rs. 85-110 and Rs. 85-128. Rs. 225-308 was not the corresponding scale for Rs. 85-128 as claimed by the first party. It is the further case of the management that the proper placement and entitled scale to the first party has been given w.e.f. 1-1-1973. After implementation of 3rd Pay Commission, three pay scales were provided for the post of Carpenter i.e. Rs. 260-350, Rs. 225-308 and Rs. 210-290, their corresponding old scale being Rs. 110-155, Rs. 100-130 and Rs. 85-128 respectively. Accordingly first party workman was given the pay scale of Rs. 210-290 being the replacement Pay scale of Rs. 85-128, which he was drawing on 1-1-1973. Recommendations of pay commission as accepted by Govt. of India and Ministry of Finance have been implemented as per rules. In fact the pay scales of the first party has not been brought down arbitrarily but he has been given the replacement and entitled scale as per provisions of Pay Commission Orders. The first party has not suffered any financial loss due to his placement in the scale of Rs. 85-128. The first party has been given pay fixations on promotions as Carpenter, Junior Mechanic, Tradesman 'B' and Tradesmen 'A' as per rules. During the conciliation proceedings held in the office of the Regional Labour Commissioner(C) on 12-2-1998, Assistant Labour Commissioner(C) heard the matter and gave her report on failure of conciliation on the basis of views of the first party and the management. Regarding the case of Shri J. Selvaraj, no arrears, are paid because the order passed by the Second Additional Labour Court, Bangalore was set aside by the High Court of Karnataka in Writ Petition No. 8919 of 1991. Regarding Shri S. Sreepathy, he was appointed as Carpenter Grade-II in the pay scale of Rs. 210-290 from 19-9-78 and not in the pay scale of Rs. 225-308. Thereafter he was redesignated as Tradesman 'E' w.e.f. 19-9-81 in the same pay scale of Rs. 210-290. Therefore, the claim of the first party that Shri S. Sreepathy was appointed in the pay scale of

Rs. 225-308 from 19-9-1978 is not correct. Regarding Shri A. Henry, it is said that he was promoted as Carpenter w.e.f. 29-6-1978 from Carpenter of Group V vide SRO 87 dated 4-3-1977. He was promoted from Carpenter of Group V in the pay scale of Rs. 210-290 to the post of Carpenter in Group IV in the pay scale of Rs. 225-308. Thereby the promotion of Shri A. Henry is as per SRO 87 of 1977. However, inadvertently while publishing the DO part II and pay fixation proforma, the designation was mentioned as Carpenter-II in place of Carpenter. The promotion order dated 19-6-1978, however, clearly says that Shri A. Henry has been promoted to Carpenter in the pay scale of Rs. 225-308 w.e.f. 19-6-1978 and the contention of the first party to give the pay scale at par with Shri A. Henry cannot be accepted since the promotions of first party to the grade of Carpenter were prior to implementation of SRO 87 of 1977, whereas the promotion of Shri A. Henry to the post of Carpenter in the pay scale of Rs. 225-308 was as per SRO 87 of 1977. Shri A. Henry was appointed as Lascar in pay scale of Rs. 70-85 from 25-8-1964 and was promoted as Carpenter-III in the pay scale of Rs. 85-110 from 16-6-1973. At the time of implementation of 3rd Pay Commission w.e.f. 1-1-1973, the pay scales of Rs. 85-110 and Rs. 85-128 which Shri A. Henry and Shri V. Ramaswamy were drawing from 16-6-1973 and 1-1-1973 respectively were unified into pay scale of Rs. 210-290 and both were given the replacement scale and thus the first party has not suffered financial loss on implementation of 3rd Pay Commission. The first party is not entitled for his pay fixation in the pay scale of Rs. 225-308 from 1-1-1973. He has been given pay scale of Rs. 210-290 from 1-1-1973. Management for these reasons has prayed to reject the reference.

4. During the course of trial, before the remand of the case the first party workman filed an affidavit and also certain documents (not marked). The management did not lead oral evidence but filed some documents (not marked). After hearing the learned counsels for the respective parties, my learned predecessor by his award dated 15th February, 2002 rejected the reference. Aggrieved by the said award, the first party approached the Hon'ble High Court in Writ Petition No. 30862/02 and the High Court while quashing the award remitted the matter back to this tribunal giving liberty to the parties to lead oral and documentary evidence and a direction to this tribunal to pass a reasoned order in accordance with law.

5. After the remand, the management filed an affidavit of one Mr. G.D. Dayakar Rao working as Chief Administrative Officer with the management by way of his examination chief and during the course of further examination chief 8 documents were marked at Ex. M1 to

M8. The first party who had already filed an affidavit by way of his examination chief was recalled and cross examined on behalf of the management. He got marked 7 documents at Ex. W1 to W7 during the cross examination of MW1. Ex. M1 is a Gazette notification copy of revised pay rules 1973 dated 24-12-1973 where under the pay scale of the first party was fixed at Rs. 230/-. Ex. M2 is the copy of the fixation of pay under the said rules. Ex. M3 is the copy of the order passed in Writ Petition No. 8918/91 dated 26-6-1995 setting aside the order dated 19-4-1990 passed in ARBD-177/88 by the Labour Court, Bangalore. Ex. M4 is the order dated 6-10-95 passed in OA No. 1956/95 by CAT, Bangalore. Ex. M5 is the order of appointment of said Sreepathy to the post of Carpenter II in the pay scale of Rs. 210-290. Ex. M6 is the order rectifying the above said appointment order. Ex. M7 is the copy of the SRO 87 according to which said Shri A Henry was promoted to the grade of Carpenter from Group V of SR 87 to the grade of Carpenter in Group IV in the pay scale of Rs. 225-308. The promotion order of Shri Henry is at Ex. M8. Ex. W1 is said to be a daily order published in the Gazetted notification by the management coming into effect from 16-10-1981. Ex. 2 is the statement of fixation of pay of the first party. Ex. W3 is Ex. M8. Ex. W4 is the order promoting the said Henry in the pay scale of Rs. 225-308, which was later on rectified by the management as noted above. Ex. W5 is the above said order rectifying the order at Ex. W4. Ex. W6 is the representation made by the first party to the Director, ADE, Bangalore. Ex. W7 is the order dated 15-10-1984 regarding the upgradation of jobs of semi skilled grade (Rs. 210-290) to the skilled grade (Rs. 260-400). I would like to consider the aforesaid documentary evidence produced on behalf of the parties and statements of MW1 and WW1 in their cross examination as and when it is found relevant and necessary. As far as the affidavit evidence of the said two witnesses concerned, it is just the repetition of the case made out by them in their Claim Statement as well as in Counter Statement, respectively. Learned counsels for the parties have submitted their Written Arguments supporting their respective contentions with reference to the oral and documentary evidence brought on record. Learned Counsel for the management also advanced his oral arguments putting much stress on the point that the very document produced by the management at Ex. W1 would falsify the case of the first party as it goes to suggest that the first party who was in the pay scale of Rs. 85-110 at the time of implementation of 3rd Pay Commission report was put in the pay scale of Rs. 210-290 by way of revision of his pay scale in the light of said pay Commission report. He further submitted that all other documents produced by the management much less the documents produced by the first party also would throw light upon the fact that there has been no discrimination made against the first party in fixing his pay scale in accordance of the recommendation of the 3rd Pay Commission Report.

6. After having gone through the records, I find substance in the arguments advanced for the management. The fact that the first party joined the management as Carpenter Grade III in the pay scale of Rs. 85-110 of 1-5-1996 and was promoted as Carpenter Grade II in the pay scale of Rs. 85-128 w. e. f. 7-1-1972 and his pay was fixed at Rs. 110 per month is not disputed by the first party. It is again not in dispute that the corresponding pay scale of Rs. 85-128 as per 3rd Pay Commission was Rs. 210-290 w. e. f. 1-1-1973. It is again not in dispute that Pay scale of Rs. 210-290 was a unified scale for both the pay scales of Rs. 85-110 and Rs. 85-128. It is again not disputed and cannot be disputed that pay scale of Rs. 225-308 was not the corresponding scale for Rs. 85-128 which scale now has been claimed by the first party. It is not in dispute that appropriate replacement and entitled scale of Rs. 210-290 has been given to the first party w. e. f. 1-1-1973. In his cross examination first party in very clear words admitted that management has fixed his pay scale in Rs. 210-290 as per the Government notification dated 24-12-1973 marked before this tribunal at Ex. M1 on behalf of the management. Not disputing the facts as stood and narrated above, the first party has come out with the case that in fixing his pay scale of Rs. 210-290, the management has discriminated his case as against the cases of other employees namely said Henry and Sreepathy who were juniors to him. It is also his case that in case of the above said Selvaraj who was also in the pay scale of Rs. 85-128, his pay scale as per the 3rd Pay Commission was fixed at Rs. 210-290 and he after having approached the Labour Court, Bangalore in a case ABD 177/88 succeeded in getting the pay scale fixed at Rs. 225-308 and therefore, the order passed by the above said Labour Court also must come to his rescue infixing his pay scale at Rs. 255-308 but the management failed to do so.

7. Now coming to the case of Mr. Henry, first party (WW1) in his cross examination admitted that he was appointed as a Lascar on 26-6-1964 and he was promoted as a Carpenter on 19-6-1978 as per SRO 87 dated 4-3-1997 and pay scale of Mr. Henry was fixed at Rs. 225-308 as per the promotion order at Ex. M8.

8. It is the case of the management that since the promotion of said Henry was done according to SRO 87 dated 4-3-1977 promoting him as per order dated 19-6-1978, the first party cannot be allowed to take the advantage of the said pay scale as his promotion as Carpenter Grade II was not done as per the said SRO but earlier to the said SRO notification. It is also seen from the records that Mr. Henry was promoted from Carpenter of Group V in the pay scale of Rs. 210-290 to the post of Carpenter in Group IV in the pay scale of Rs. 225-308 and it was as per SRO 87 of 77. This being the admitted position, the first party cannot equate his case with the case of Mr. Henry moreover, Mr. Henry was promoted in the year 1978 as per the said SRO 87 which was not in existence when first party was promoted

as Carpenter Grade II and his pay scale of Rs. 85-128 was revised and refixed in the pay scale of Rs. 210-290 w. e. f. 1-1-1973

9. The contention of the first party that said Sreepathy was appointed as Carpenter Grade II in the pay scale of Rs. 225-308 and therefore, there was a discrimination against him while fixing his pay scale as Carpenter Grade II at Rs. 210-290. In order to meet the said contention, the management relied upon the documents at Ex. M5 and M6 contending that Sreepathy in fact was appointed to the temporary post of Carpenter Grade II in the pay scale of Rs. 210-290 and not in the scale of Rs. 225-308. It is contended by the management that as per the appointment order dated 17-8-1978 at Ex. M5, said Sreepathy has been shown as appointed to the temporary post of Carpenter Grade III giving pay scale of Rs. 210-290 by oversight and this mistake has been rectified subsequently by order dated 10-7-1980 as per Ex. M6. There is no denial of this fact by the first party either in his affidavit or by way of cross examination to MW1 examined on the part of the management speaking to the above said two documents. Therefore, the fixation of pay made in respect of said Henry and Mr. Sreepathy being in accordance with the above said SR 87 and as per the 3rd Pay Commission respectively cannot be taken advantage of the first party to raise a contention that he was discriminated against the said two employees while his pay scale was fixed at Rs. 210-290 by the management which in fact was fixed as per the above said notification at Ex. M1 admitted by the first party himself in his cross examination referred to supra.

10. Now coming to the case of Mr. Selvaraj, it is to be seen from the records that he filed an application under Section 33(C)2 of the ID Act in ARBD 177/88 stating that he was in the pay scale of Rs. 85-128 in accordance with the 2nd Central Pay Commission and as per 3rd Pay Commission recommendations the corresponding pay scale was Rs. 255-308 for skilled category and whereas for semi skilled category it was Rs. 210-29-290. He being in the skilled category, therefore, was entitled to the benefit of pay scale of Rs. 255-308. The Labour Court by its order, dated 19-4-1990 allowed the claim of the said Selvaraj seeking pay scale in Rs. 255-308 with a direction to the management to pay him arrears of a sum of Rs. 29,276. The above said order passed by the labour court, infact, was an exparte order as the management did not file its objection statement during the course of the trial of the said case. Even otherwise, above said order was challenged by the management in a Writ Petition No. 8918/99 and Hon'ble High Court vide order dated 26-6-1995 copy of which is produced in this tribunal at Ex. M3, set aside the said order on the ground that it was without jurisdiction and the applicant Selvaraj was directed to work out his remedy under the provisions of Administrative Tribunal Act. It is further seen that there upon said Selvaraj moved to Central Administrative

Tribunal, Bangalore in OA No. 1956/95 seeking upgradation of his pay in the scale of Rs. 210-290 to Rs. 225-308 w.e.f. 1-1-1973. After hearing the respective parties, learned Hon'ble CAT, Bangalore dismissed the above said application with the following observation :

"We notice the learned single judge having dismissed Writ Petition No. 305 of 1985 on 20th February 1985, rejecting the applicant's claim for upgradation of pay scales on merits. We notice 10 years hence he again comes and asks us to give him the relief he had failed to get in the year 1985. The claim is barred by principles of resjudicata and on this short ground this original application must fail and it is ordered accordingly."

11. Hon'ble CAT in their order have also brought on record the observation of the learned single judge made in Writ Petition No. 305/85 in rejecting the claim of the applicant, Shri Selvaraj as under :—

"As on 1-1-1973, the date on which revised pay rules of 1973 came into force, admittedly petitioner was in the pay scale of Rs-85-2-95-3-100-EB-3-128 which stood revised to 210-4-226-EB-4-250-EB-5-290. It is not possible to comprehend how petitioner is entitled to the pay scale of Rs. 225-308. From the revised pay rules, I notice existence of pay sales for the posts of Carpenter.

- (i) 110-3-131-4-148-EB-4-155 which stood revised to 260-6-316-EB-8-352 and that,
- (ii) 100-3-130 stood revised to 225-5-260-6-290-EB-6-308 and.
- (iii) 85-2-95-3-100-EB-5-128 stood revised to 210-4-226-EB-4-250-EB-5-290.

If the petitioner was not in pay scale of Rs. 110-3-130, he is not entitled to revised pay sale of Rs. 225-308. Authorities have rightly declined to grant this pay scale to Petitioner. I find no merit Petition is rejected."

12. Therefore, it could be seen from the records referred to supra that attempt of said Selvaraj in getting his pay scale fixed at Rs. 225-308 could not succeed though he approached the Hon'ble High Court as far back was 1985 in the said Writ Petition and thereafter in the year 1995 by way of the above said application before the CAT, Bangalore. It appears that the order passed by the Labour Court referred to supra infact prompted the first party to raise the present dispute seeking the upgradation of his pay from Rs. 210-290 to Rs. 225-308. Unfortunately, as seen above, the above said order has been set aside and the Writ Petition filed by him seeking upgradation of his pay scale as well as the said application have been dismissed by the Hon'ble court as well as the CAT, Bangalore

respectively. It is not disputed and cannot be disputed that said Selvaraj and the first party sailed in the same boat as the pay scale of said Selvaraj earlier to 3rd Pay Commission was Rs. 85-128 as in the case of the first party. His pay scale was again revised as per the said Pay Commission to Rs. 210-290 as in the case of the first party. The observations made by the High Court in the said Writ Petition, therefore must put to rest the controversy with regard to the fixation of pay by the management under 3rd Pay Commission making it clear that said Selvaraj being not in the pay scale of Rs. 110-130 he could not have got revised pay scale at Rs. 225-308. Those observations applied to the present case on all its fours as the first party was also not in the pay scale of Rs. 110-130 so as to claim the corresponding pay scale of Rs. 225-308.

13. An attempt was made on the part of the first party taking the advantage of the statement of MW1 in his cross examination wherein, he stated that as per Ex. W1 the pay scale for the skilled employee will be Rs. 260-400 and since the first party came under the category of skilled employee he should have been given the said scale. First of all the above said statement of MW1 will not help the case of the first party for the reason that he has not come forward putting forth his claim as skilled employee taking advantage of the said notification dated 20-7-1983 which came in effect from 16-10-81 marked before this tribunal as Ex. W1. Even, otherwise he should not have availed or sought for the benefits or the pay scale available as shown in Ex. W1 which came into effect in the month of October 1981. It was rightly argued for the management that Ex. W1 is just a daily order published by the management and since the first party as on the date said order was given effect was not holding the post of Carpenter Grade-II but a junior mechanic in the pay scale of Rs. 260-350 cannot claim any benefit out of the said order/notification at Ex. W1.

14. It was argued for the management that the claim of the first party also must fail for the reason that he has been given several promotions, getting benefits or several revised pay scales right from the year 1978 till 1984 and further his right if any, with regard to fixation of his pay under 3rd Pay Commission taken place about 25 years back. Cause of action was available to him in the year 1973 and dispute being raising in the year 1998. Therefore, viewed from any angle, the claim put forth by the first party by way of reference must fail and accordingly, the reference is answered and following award is passed.

AWARD

The reference stands dismissed. no order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 1st February, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1244—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट (संदर्भ सं. 18/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-42012/119/93-आई आर (डीयू)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1244.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/97) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 6-3-2006.

[No. L-42012/119/93-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 2nd February, 2006

PRESENT:

SHRI A.R. SIDDIQUI, Presiding Officer

C. R. No. 18/97

I-PARTY

Shri N. Venkategowda, :
At/Post : Peddur, :
Murugamulla, :
Hobli, Chintamani Taluk, :
Kolar District, :
Kolar. :

II-PARTY

The Secretary
Central Silk Board
United Mansion,
2nd Floor, No.35,
Mahatma Gandhi Road,
Bangalore-560001.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No L-42012/119/93-IR (DU) dated 17th January, 1995 for adjudication on the following schedule :

SCHEDULE

“Whether the management of Central Silk Board is justified by refusing work to Shri N. Venkatagowda, Casual worker with effect from 9-8-1992? If not, to

what relief the workman is entitled to and from which date?”

2. The case of the first party, as made out, in the Claim Statement, in brief, is that he had been working in the management, Chintamani branch as a General worker since 10-10-1986 on a monthly salary of Rs. 650 per month and had been discharging his duties honestly and diligently of permanent nature as defined under Section 25 B of the ID Act; that the various service conditions in the management were very bad and the first party was not given any appointment order nor was issued any wage slips and the management was in the habit of extracting work for more than 8 years without paying over time wages; that the first party since asked the management to improve his service conditions and to issue appointment order, the management developed most adamant and hostile attitude towards him and ultimately he was refused work on 9-8-1992. His several requests, thereafter, made to the management to take him back in service did not yield any fruits. Therefore, the action of the management amounts to retrenchment defined under Section 2 (oo) of the ID Act and since there was no compliance of Section 25F (a&b) of the ID Act, it is a case of illegal termination causing great hardship to the first party as well as family members and therefore, he raised the dispute before RLC(C), Bangalore by submitting a petition dated 26-5-1993 and on account of failure of conciliation, the present reference has come to this tribunal.

3. The management by its Counter Statement opposed the claim of the first party and the relevant contentions taken by the management at Paras 3 to 8 are as under:—

“The Central Silk Board (the Board for short), is a Government of India organization under the Ministry of Textiles, entrusted with various duties and functions under the provisions of the Central Silk Board Act, 1948. The principal function of the Petitioner is the development of the silk industry in the country; that for the above said purpose the board launched a scheme called the National Sericulture Project (NSP for short) with the assistance of World Bank and Swiss Development Corporation. Under the said project the board has envisaged the promotion of Silkworm Chawki Rearing Centres (CRCs) under private sector by individual farmers or a group of farmers on a corporative basis to promote Chawki rearing with special care for better cocoon yield and quality. For the said purpose the board has issued certain guidelines. As per the NSP, the board would identify a farmer who fulfills certain criteria and select him as an Extension Farmer to manage the CRCs effectively on his own. For the said purpose, the Board would extend financial assistance for initial investment on equipments required for establishment of CRCs and a reducing contribution operating costs during the transition phase of five years. Such assistance will be phased out as CRC owners are

able to demonstrate the quality of their chawkies, establish their clientele and progressively recover costs through higher selling price. Further there will not be any restrictions on the price that CRCs can charge for the chawkies; that the Second Party under the NSP Scheme, had selected one such Extension Farmer, to manage a CRC at a place called Peddur during the month of October, 1986. The said Extension Farmer, it appears, had in turn engaged some labourers to assist him in his work and the first party herein was one of them. It appears the first party herein assisted the said Extension Farmer in running the CRC at Peddur till 9-10-1990. As the extension farmer engaged the first party for his assistance, there is an employee and employer relationship between the first party and the second party. It is submitted that the Second Party did not appoint the first party either as a casual labourer or in any kind of employment. The first party was not issued with any kind of appointment order or any wage slips. The first party was engaged by the Extension Farmer for his assistance and the first party was discharging his services under the said farmer. The second party did not appoint him at any time as a casual labourer. Since the Extension farmer engaged the first party, he is not an employee appointed by the second party, it is respectfully submitted that as narrated above, the first party never worked under the Second Party directly or indirectly and as such the question of payment made by the Second Party does not arise. Moreover, as mentioned above, the extension farmer will get monthly honorarium as fixed by the Second party for running the Chawki rearing centre. The Second party also gives the inputs to these centers such as rent, water and electricity etc. besides consumables like disinfectant and pesticides to avoid disease are also provided. These centers will run whenever there are rearings and the labourer will get wages from the extension farmer for the work done by him in the centers as negotiated by the Extension farmer. Wherever, there is no work in the centre, the extension farmer will not be accounted for any purpose to the centre and the casual labourer engaged will also be discontinued by the extension farmer; that in the circumstances, the first party engaged cannot be termed as workman within the meaning of Section 2(s) of the ID Act. There is neither the relationship of master and servant nor there is any control as required under the service jurisprudence. On this ground itself the petition is liable to be rejected; that as a matter of fact the first party was engaged by the Extension Farmer and at no point of time he was engaged by the Second Party directly. In the circumstances, the very order of reference is unsustainable and without jurisdiction. Section 10 of the ID Act provides for a

reference being made by exercising its power in the case of an industrial dispute within the meaning of Section 2(k) of the act. In the case on hand, as the very relationship of master and servant is not there, the question of the first party contending that he was refused employment by the Second party does not exist and the above matter referred to this court solely based on the version of the first party is liable to be rejected."

3A. It is to be noted that earlier to this, my learned predecessor by his award dated 27-11-1998 had allowed the reference with a direction to the management to reinstate the first party in service to his original position with full back wages from the date he was refused work till his reinstatement. The management challenged the above said award in Writ Petition No. 20428/99 and the Hon'ble High Court after having quashed the award, remanded the matter back to this tribunal with a direction to dispose it off afresh giving the opportunity to both the parties. Subsequent to the remand, the management filed its Counter Statement and during the course of trial examined one witness as MW1 and got marked 3 documents at Ex.M1 to M3 namely, the letter authorizing MW1 to give evidence in this case and the letters dated 18-8-1988 and 13-8-1990 issued by the Member Secretary of the Management giving details of the CRC run by it. In his examination chief MW1 has just repeated the various contentions taken by the management and his statement in examination chief relevant for the purpose is that at no point, the management engaged the first party in CRC run by lead farmer which was in turn being run by management by paying honorarium to the 'lead farmer'. He stated that the CRCs headed by lead farmers were being run till the year 1992 and thereafter they came to be closed. Like wise the CRC at Chintamani was also closed in 1992. He further stated that none of the workers of the CRC have been taken into the service of the management and they have not maintained any record about them. The first party was not paid wages by the management. In his cross-examination he stated that he has no personal knowledge of the facts of the case and his evidence is based on records. He stated that for the last 20 years there is a Silk Worm Seed Production Centre at Chintamani having different sales centers at different places namely, Srinivasapura, Kolar and Mulabagal and there were casual labourers in Chintamani Grainage. He admitted that those labourers will be sent, many a times to the sales counters and for them there were attendance register and muster roll maintained at the Grainage centre. He then admitted that the first party was working at CRC from 10-10-1986 onwards. It was then elicited from him that the management has got the documents such as Attendance Register and Muster Roll for the above said period with regard to the casual labourers at Chintamani and the management can produce those documents. Lastly, he admitted that the management had made permanent the casual workers working at the said Grainage but not at

CRC's When he was confronted with a letter dated 10-9-1999 issued by the then Assistant Director of the management, he admitted the same and that was marked at Ex. W1 (it ought to have been marked as Ex. W3 as already Ex. W1 and W2 were marked in the statement of WW1).

4. The first party who was examined in chief before this tribunal before the remand submitted that he has no further evidence by way of examination chief in addition to his above said statement. Then he was cross examined on behalf of the Management. In his statement in examination chief he has just repeated the various averments made in his Claim Statement and stated that he worked for a period of 3 years at Peddur and thereafter he was asked to work at Chintamani getting a salary of Rs. 650 per month through out and he was removed from service on 9-8-1992 and thereafter he was asked to work at Srinivasapura as a Salesman. There he worked for 2 years and then he was refused work. In his cross examination he admitted that he had no documents to show that he was in the service of the management from 10-10-1986 to 9-8-1992 and that he has no pay slips receiving amount of Rs. 650 from the management. Then he denied the suggestions on behalf of the management that he never worked under the management nor was paid any wages by the management and that there were no employees of the management at Chintamani and Peddur. The documents marked for the first party in his examination chief at Ex. W1 and W2 are the objection statement filed by the management before the ALC and the report of the ALC dated 16-12-1993 respectively.

5. Learned counsel for the management vehemently argued that heavy burden was cast upon the first party to prove the averments made in his Statement with regard to the fact that he was under his service of the management, directly, being paid wages by it from 1986 till 1992 and those averments have not been proved by any document much less appointment order or any pay slip issued in his favour by the management. He submitted that on the other hand the statement of WW1 in his examination chief that he worked under the management for a period of 2 years at Srinivasapura even after he was removed from service on 9-8-1992 would falsify his averments in the claim statement that he was removed from service on 9-8-1992. He further submitted that, even otherwise, the relief of reinstatement claimed by the first party at his distance of time cannot be granted as the project which was undertaken by the management has already been closed in the year 1992 itself. He submitted that if at all any relief is to be given, it should be by way of some compensation and since he has already been paid a sum of Rs. 46,000/- and odd under the orders of the Hon'ble High Court in the said Writ Petition, said amount may be converted into compensation amount and reference be rejected.

6. Whereas, learned counsel for the first party argued that the fact that the first party was in the service of the management at the CRC run by it from 1986 up till the month of November 1990 has been proved not only in the statement of WW1 but also in the objection statement filed by the management before the Conciliation Officer marked at Ex. W1. He also took support of the above said letter issued by the Assistant Director at Ex. W3 speaking to the fact that first party in that letter he was described as Ex-labourer under the management. He submitted that as per the admission of MW1 in his cross examination they have maintained the attendance registers as well as muster rolls with regard to the casual labourers but they have not been produced before this tribunal despite the order made by the tribunal at the request of the first party and therefore, adverse inference has to be drawn against the management.

7. After having gone through the records, I find substances in the arguments advanced for the first party. Of course, in the statement of MW1 made in examination chief through out he has stated that first party has never been appointed by the management and was never in the service of the management as a General Labourer or as a Casual Labourer. But as argued for the first party, the above said statement of MW1 cannot be attached much importance. Firstly for the reason that he had no personal knowledge of the facts of this case and his evidence was based on records. As far as the statement of first party is concerned, it was elicited from his mouth that he has no document to show that he was in the service of the management either by way of appointment order or by way of pay slips. If we go through the documents at Ex. W1 to W3, the stand taken by the management before this tribunal does not appear to be based on truth. Ex. W1 as noted above, issued by the Assistant Director of the Management wherein, the first party has been described as ex-casual labourer. In the Objection Statement filed by the management before the Conciliation Officer while denying the relationship of employee and employer between the first party and the management, it is further stated that the first party has left the job of his own accord from 5-11-1990 and he did not intimate the office before the closure of the unit nor had given reasons about his inability to attend his duties before leaving the job. The next sentence reads to the effect that 'this office had paid the daily wages (prevailed rate) accordingly rate fixed by the authority to the work extracted by the Extension Farmer'. This fact also has been noted by the Conciliation Officer in his failure report. The fact that first party was working at the CRC of course under the Lead Farmer/Extension Farmer incharge of the CRC since from the year 1986 has never been disputed by the management either in the Counter Statement or in the statement MW1 made before this tribunal. There is also no

denial of this fact in the Objection Statement filed by the management before the Conciliation Officer. As noted above, on the other hand the management has taken the stand that the first party on his own accord left the job from 9-11-1990. Therefore, from the above facts, what emerges is that the first party was in the service at the CRC run under the control and supervision of the management through 'lead farmer' and that he was in the service at the CRC up till November 1990 is very much established before this tribunal. It is again very much brought out in the above said objection statement of the management before the Conciliation Officer that the management office had paid the daily wages at the prevailing rate against the work extracted by the Extension Farmer and that means to say that wages have been paid to the first party by the management itself. From the two letters marked at Ex.M2 and M3, it is again very much borne out that the CRC's are run by the management board under its direct control and supervision of course through the 'lead farmers'. The expenditure incurred in maintaining the CRC including the labour wages are undoubtedly being borne by the management. It is also read from the letter at Ex.M23 that, in essence, the board is operating these centres namely the CRC's and Sale Centres as commercial venture meeting all the expenditure on equipment and operating costs. Even for a moment as contended by the management, Extension Farmer is only an agent (read objection statement of the Management). Then again the management cannot disown the first party as its employee. The management must own the acts of its agent and if it is to be taken that it is the Extension Farmer who had employed the first party at the CRC then it must be presumed that the first party was under the employment of the management itself through such an agent. At this stage it is to be noted that in the light of the admissions made by MW1 in his cross-examination that they have maintained the attendance registers as well as muster rolls with regard to the casual laborers, an application was filed by the first party calling for those documents and accordingly there was an order by this tribunal directing the management to produce those documents. Unfortunately, the management did not produce the documents but came up with a memo that they are not traceable. It is in this view of the matter the arguments advanced for the first party that adverse inference shall be drawn against the management for non-production of the documents must be attached due credence and it is to be held that had the management produced those documents, they would have gone in favour of the first party. Therefore, since from the evidence brought on record it is established that first party was working as a General Labourer at the CRC's under the control and supervision of the management and worked from 1986 till November 1990, it must be held that he has fulfilled the requirements of Section 25B of the ID Act. Since he was working continuously during the said period, it cannot be said he has not worked continuously for a period of 240 days immediately before he was refused work by the management. In the result the

action of the management in refusing work to the first party amounts to retrenchment as defined under Section 2(oo) of ID Act and since undisputedly there has been no compliance of Section 25(a & b) of the ID Act, it can be safely concluded that the refusal of the work tantamount to illegal termination and accordingly the action of the management is held to be illegal and void abinitio.

8. In a normal course, first party must have got the relief of reinstatement as the order terminating his services is held to be illegal and void abinitio. However, in the instant case, the relief of reinstatement does not appear to be advisable at this distance of time. He was removed from his service in the year 1993 and now we are in the year 2006, after the lapse period of 15 years from the date the cause of action arose in favour of the first party. It is not in dispute that the project undertaken by the management has also come to be closed long back. Therefore, when the project itself is not in existence, there cannot be any place for the first party so as to reinstate him in service.

9. Now, coming to the question of payment of back wages during the period from 1992 to 1993 as he raised the dispute only in the year 1993. Though it is not in dispute that he was drawing salary of Rs. 650 per month while in the service of the management, the first party in examination chief never uttered a single word as to whether he has been gainfully employed or not from the date he was refused work by the management. The management also on its part did not produce any evidence to suggest that the first party has been gainfully employed during the period he was away from its service. It is not in dispute that the first party has been paid a sum of Rs. 46,000/- and odd in the light of the directions made by the Hon'ble High Court in the said Writ Petition while remanding the matter back to this tribunal for fresh disposal. Therefore, taking into account these facts and circumstances, it appears to me that ends of justice will be met if the first party is paid a total compensation of Rupees One Lakh minus the amount already paid to him under the orders of the Hon'ble High Court. Accordingly, reference is answered and following award is passed.

AWARD

The management is directed to pay a sum of Rupees One Lakh to the first party minus the amount already paid to him under the orders of the Hon'ble High Court in the said Writ Petition towards the full and final settlement of the claim against the management. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 2nd February, 2006)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1245.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट (संदर्भ संख्या 52/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-40012/223/91-आई आर (डी यू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/92) of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 6-3-2006.

[No. L-40012/223/91-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 3rd February, 2006

PRESENT

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 52/92

I Party

Shri N. C. Rajappa,
C/o B. D. Hanumanthappa,
Door No. 12, Shankarapura,
IVth Cross,
Chikmagalur-577101

II Party

The Asstt. Supdt. of
Post Offices,
Chikmagalur Postal
Division, Chikmagalur

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L40012/223/91-IR (DU) dated 25th June, 1992 for adjudication on the following schedule:

SCHEDULE

“Whether the action on the part of Asstt. Supdt. of Post Offices, Chikmagalur, Sub Division, Chikmagalur in terminating the services of Shri N. C. Rajappa, ED Packer w.e.f. 12-3-86 is justified? If not, what relief he is entitled to?”

2. The case of the first party, as made out in the Claim Statement, to be concise and precise is that he was

appointed as E. D. Packer w.e.f. 15-6-1983 and reported for duty on 19-8-1983 and had been working with the management till his services were terminated w.e.f. 12-3-1986. He contended that he had an unblemished service record and has been terminated from the service illegally without holding an enquiry on the ground that he committed misconduct in remaining absent from duties unauthorisedly. His case is that the absence was due to his health problems and ill health of his mother, who passed away on 19-2-1986 followed by his uncle's death. He contended that as per Extra Departmental Agents (Conduct and Service) Rules 1964, he being an ED Agent should have been given leave of absence for more than 90 days at a stretch to be extended to 180 days in exceptional circumstances by the Divisional Superintendent of Post Offices and since he was on sanctioned leave with prior permission and he also arranged for a substitute in his place, the action of the management in terminating his services on the ground of unauthorized absence is illegal and in violation of the provisions of ID Act and termination amounts to retrenchment as there is no compliance of Section 25 F of the ID Act by the management in terminating his services. Therefore, he requested this tribunal to pass an award reinstating him in service with back wages and other consequential benefits.

3. The case of the management as made out in the Counter Statement, on the other hand is that the first party was very irregular to his duty and used to remain absent unauthorisedly thereby causing lot of problems for the smooth working of the post office. He remained unauthorisedly absent for 115 days during the period from 15-6-1983 to 10-3-1986 and was on sanctioned leave for 55 days. He was served with several explanations and several warnings for his unauthorised absence but he failed to mend his ways. He also remained absent from 21-2-86 to 12-3-1986 despite the warnings and therefore, his services being unsatisfactory, the management terminated his services w.e.f. 12-3-1986: that during his absence the first party did not make any arrangement for substitute causing lot of inconvenience to the department and the public and after his termination a person by name Shri Ravi was appointed to his place w.e.f. 13-3-1986 who is working regularly. The management further contended that due to unsatisfactory performance of the first party his services have been terminated as per Rule 6 of the aforesaid Conduct and Service Rules, 1964 where under no enquiry contemplated. It further contended that the provisions of ID Act are not applicable to the management as it is not an 'Industry'. In its additional counter statement (filed after the remand) the management contended that as per the observations made by the Hon'ble High Court Writ Petition No. 2244/99 vide order dated 24th February, 2005, the first party required to prove that he comes

under the definition of 'workman' under the ID Act and if so the order of termination is termination simpliciter or punitive. It contended that the first party is not a workman under the ID Act and dispute raised by him is not maintainable before this tribunal. Thereafter, the management referred several decisions as to how the first party does not come under the definition of 'workman' and the management does not come under the category of 'Industry' as defined under the provisions of ID Act.

4. It is to be noted that during the course of trial taken place before the matter was remitted back from the High Court for fresh disposal, the management adduced the oral evidence of MW1 and got marked documents at Ex. M1 to M25 as on 93-94 and cross examination of MW1 was deferred at request. From the reading of the order sheet of this tribunal, it can be seen that on 27-5-1996 when the matter was called, MW1 remained absent and the management being called absent was set ex-parte and the case was posted for evidence of first party. The first party examined himself as WW1 and got marked documents at Ex. W1 to W4.

5. Ex. M1 is the order dated 15-6-85 appointing the first party as ED Agent. Ex. M2 is the joining report of the first party. Ex. M3 to M9 are the reports of Sub-Post Master, Jhothinagar, sub post office about the unauthorised absence of the first party. Ex. M10 is the statement showing the period of unauthorized absence of the first party. Ex. M11 to M14 are the letters issued by the management calling for the explanation from the first party about his unauthorized absence. His explanations are at Ex. M15 to M18. Ex. M19 and M20 are said to be the warning letters. Ex. M21 is the acknowledgement receipt of the warning letters- Ex. M22 is another report by the said Sub Postmaster about the unauthorized absence of the first party from 21-2-1986 to 12-3-1986. Ex. M23 is the order terminating his services. Ex. M24 is said to be AD slip serving the termination order upon the first party and Ex. M25 is the representation of the first party to Divisional Superintendent of Post Offices. Ex. W1 is the above said order of appointment. Ex. W2 and W3 are said to be the medical certificates to show that first party was not keeping well and Ex. W4 is the order terminating the services of the first party.

6. The gist of the statement of MW1 in his examination chief is to the effect that the first party was appointed as ED Agent vide appointment order at Ex. M1 and he after having accepted the terms and conditions had given the declaration as per Ex. M2 (Joining Report). Reports of unauthorized absence at Ex. M3 to M9 were made by the above said post masters and explanations were called for as per Ex. M11 to M14 and the first party submitted his explanations as per Ex. M15 to M18. After the receipt of the explanation at

Ex. M18, oral enquiry was made and severe warnings were issued to him as per Ex. M19 and M20 acknowledged by him at Ex. M21. Once again the first party remained absent and report was made at Ex. M22 and thereafter his services were terminated as per Ex. M23, acknowledged by first party as per Ex. M24 and he made representation at Ex. M25. As noted above there was no cross examination to MW1, he being discharged remaining absent before the Court.

7. The statement of first party in his examination chief relevant for the purpose is that on 10-1-86 he and his mother were not keeping well and he applied for leave and that was sanctioned by the Assistant Supdt. of Post Office. Ex. W2 and W3 are the certificates to show his illness. His leave was extended upto 13-3-1986 and in the meanwhile his mother passed away during January 1986. He had given a substitute by name Venkatesh while he was on leave. He worked continuously for more than 240 days in every year upto 10-1-1986 and was terminated from service on 12-3-1986. I would like to refer to his statement in cross examination whenever it is found relevant and necessary.

8. Based on the above said oral and documentary evidence of the respective parties, my learned Predecessor by his award dated 15-4-1999 rejected the reference. The first party challenged the award in the aforesaid Writ Petition and his Lordship of High Court remitted the matter back to this tribunal for fresh disposal making the following observations at paras 6 & 7 of the order dated 24-02-2005.

"Admittedly, respondent has chosen to say that termination was on account of unauthorized absence in terms of the pleadings, and the evidence was lead in that regard. Labour Court unfortunately, without taking into consideration as to whether the punitive order under reference can sustain or not has chosen to reject the reference by relying on Rule 6 of the said Rules. The said Rule, if read as a whole, would show that it is applicable to a simple discharge or termination simpliciter and it would not apply to a case where punitive action is taken by the Department. In the circumstances, Labour Court has committed a patent error in rejecting reference by relying on Rule 6 of the said Rules.

In the ~~circumstances~~, accepting the arguments of the ~~petition~~ is allowed. Impugned award is set aside. Matter is remitted back to the Labour Court for re-decision. Liberty is reserved to the parties to file additional documents/pleadings in support of their respective stands. Parties are directed to appear before the Labour Court without waiting for any notice on 26-3-2005. Labour Court is to complete the proceedings on or before 31-12-2005.

It is open to the management to raise all contentions including a contention regarding the status of the petitioner as workman under the Act. Ordered accordingly. No costs."

9. After the remand both the parties have relied upon the oral and documentary evidence already brought on record. However, the management as noted above, filed its additional counter statement. Thereupon the learned counsel for the first party filed his Written Argument and learned counsel for the management submitted that the additional counter statement filed by it may be taken as arguments for the management.

10. As noted above, learned counsel for the management in its additional Counter Statement has vehemently contended that the management is not an 'Industry' and the first party is not a 'Workman' as defined under the provisions of ID Act and therefore, the present dispute is not maintainable, this tribunal having no jurisdiction to entertain the same. In this context he relied upon a decision reported in 1998 SCC(L&S) 447 in the case of UOI & Ors Vs. Kameshwar Prasad and a decision reported in 1996 SCC(L&S) 1012 in the case of Sub Divisional Inspector of Post Vs. Theyyam Joseph. While referring to a decision reported in 1998 SCC(L&S) 6 in the case of GM Telecom. Vs A. Srinivasa Rao, he contended that it was the case of GM Telecom related to department of Telecom where no employees like EDA's of department of Posts existed and hence a decision in the case of Theyyam Joseph applied to the facts of the present case. He also took support of a recent decision of their Lordship of Supreme Court in the case of Umesh Koraga Bhandari Vs. Mahanagar Telephone Nigam Ltd. reported in 2005 SCC(L&S) 852 contending that their Lordship in the said case have not agreed with the decision referred in the GM Telecom case and have referred the matter for constitution of three Judges Bench and therefore the principle laid down in the said GM Telecom case are not applicable to the present case. He also cited a decision in the case of Smt. A. Bhagya Vs. Supdt. of Post Offices in Writ Petition No. 3300/03(unreported) contending that it was also a case of ED agent whose termination was ordered was held to be termination simplicitor without any stigma. He also referred to a case in Supdt. of Post Offices & others Vs. Kunhiraman Nair reported in 1998 SCC(L&S) 956 to suggest that when termination is made on account of unsatisfactory work, it cannot be treated as punitive. He referred to another decision of the Supreme Court reported in 2003 SCC(L&S) 182 to show that termination on account of unsatisfactory work does not amount to termination by way of punishment but is a termination simplicitor. He also referred to the decision reported in 2005 SCC(L&S) 705 to prove his point that absent from duty is a formation of termination order and therefore, an employee on probation who was not completed 3 years of service can be terminated.

11. Whereas, learned counsel for the first party in his written argument submitted that principle laid down in the case of the Bangalore Water Supply and Sewerage Board Vs. Rajappa and others reported in AIR 1978 SC 548 and the principle laid down by their Lordship of Supreme Court in the above said GM Telecom case are very much applicable to the present case and therefore, the management being an 'Industry' and the first party being a 'workman' as defined under the provisions of ID Act, the order terminating the services of the first party amounts to retrenchment as defined under Section 2(oo) of the ID Act and there being no compliance of Section 25 F of the ID Act, it is a case of illegal retrenchment, so to say, illegal termination and therefore, termination order is liable to be set aside. He submitted that the principle laid down in the above said Theyyam Joseph case and also in the Bombay Telephone Canteen Employees Association V/s. Union of India case holding that the management therein was not an 'industry' no more hold the field in the light of the principle laid down by their Lordship of Supreme Court of 3 Judges Bench in the above said GM Telecom case (Srinivasa case) and in the light of the principle laid down by their lordship of Supreme Court in the above said Rajappa's case. Learned counsel further argued that undisputedly the order of termination was founded on the unauthorized absence of the first party amounting to misconduct and therefore, termination order without holding any enquiry cannot be said to be a termination simplicitor but termination by way of punishment and therefore, the management was not justified in acting under Rule 6 of the above said conduct rules so as to get rid of the services of the first party. He also cited certain decisions as to how the order terminating the services of the workman who put in more than 240 days of service in each calendar year amounts to retrenchment and liable to be struck down. The decisions cited by the learned counsel in support of his arguments run as under :—

1. (1981) 3 Supreme Court cases 225
2. AIR 1960 Supreme Court 610
3. AIR 1978 Supreme Court 548
4. 1979 Lab IC 225
5. AIR 2002 Supreme Court 2914
6. AIR 1991 Supreme Court 2914
7. AIR 1985 Supreme Court 1046
8. AIR 1976 Supreme Court 37
9. (1993) 3 Supreme Court Cases 259
10. (2002) 10 Supreme Court Cases 133
11. AIR 2001 Supreme Court 227
12. AIR 1998 Supreme Court 1681

13. (1976) 1 Supreme Court Cases 822

14. 2004(2) LLN 906

15. 1994 II LLJ 320

16. (1980) 4 Supreme Court Cases 443

On the first point as noted above, learned counsel mainly relied upon the above said GM Telecom case wherein their Lordship of Supreme Court have not approved the view taken by the two judges bench cases namely Theyyam Joseph case and Bombay Telephone Canteen Employees Association case.

12. After having gone through the records, Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules, 1964 (hereinafter called conduct and service Rules), the principle laid down by the Lordship of Supreme Court in the aforesaid Kameshwar Prasad case, Himamsu Kumar case, Theyyam Joseph and others case, Umesh Koraga Bhandari case and in General Manager, Telecom case referred to supra, I find substance in the arguments advanced for the management. The fact that the first party was appointed as ED Agent w.e.f. 15-6-83 as per Ex. M1 and he joined the duty on 19-8-1983 as per Ex. M2 and was in the services of the management up till 12-3-1986 as per Ex. M23 is very much undisputed in this case. Rule 6 of the above said Conduct and Service rules would read to the effect that the services of an employee who has not rendered more than 3 years continuous service from the date of his appointment shall be liable to be terminated at any time by notice in writing given either by the employee to the employer or by the employer to the employee and that period of such notice shall be one month. Clause IV of the above said appointment order is to the effect that the appointment of first party as ED Packer shall be in the nature of contract liable to be terminated by him or the appointing authority and he shall also be governed by the above said conduct service rules. The fact that as on the date services of the first party were terminated as per Ex. M23, he had not completed 3 years of continuous service is not disputed and cannot be disputed. Now therefore, it is the case of the management that since the services of the first party were not found satisfactory his services have been terminated in the light of terms of appointment order and under the rules 6 and 7 of the aforesaid Conduct and Service Rules and therefore, there was no need to hold any enquiry by issuing a charge sheet to the first party for his unauthorized absence and unsatisfactory work before the termination order. It is the case of the management that compliance of Section 25F of ID Act was again unnecessary as the management was not an industry and the first party was not a 'workman' as defined under the provisions of ID Act. As per the above said termination order, the management terminated the services of the first party in the light of Rule 6 of the above said Conduct and Service Rules.

13. Whereas, it is the case of the first party that the management is an Industry and he is a 'workman' as defined under Section 2(s) of the ID Act and therefore irrespective of above said Rule 6 of Conduct and Service Rules, his services could not have been terminated ignoring the provisions of Section 25F of the ID Act. His further contention is that even otherwise the foundation of termination order since was the alleged unauthorized absence of the first party amounting to misconduct, a departmental enquiry was must holding him guilty of the misconduct so as to terminate his services. A perusal of the decision in the above said General Manager, Telecom case (Para 5) it can be seen that their Lordship of Supreme Court in the said Theyyam Joseph case held that the functions of the Postal Department are part of the sovereign functions of the state and therefore, not an 'Industry' as defined under section 2(j) of the ID Act. In Bombay Telephone Canteen Employees Association case similar view was taken by the two Judges Bench of Supreme Court observing that if the doctrine enunciated in Bangalore Water Supply case is strictly applied, the consequence is 'catastrophic'. Their Lordship of Supreme Court presided over by three judges in the said Telecom case while referring to the said Bangalore Water Supply case rules that the decision in the said Theyyam Joseph case and Bombay Telephone Canteen Employees Association case cannot be treated as laying down the correct law. The bench decided that the management of Telecom in the aforesaid case was an 'Industry' and the respondents in the said case fell under the category of 'Workman' as defined under Section 2(s) of the ID Act. Therefore, the learned counsel for the first party relying upon the aforesaid decision in Telecom case argued that the management of Postal Department in this case is an 'Industry' and the first party as a 'workman' under the ID Act.

14. As against this, learned counsel for the management is to contend that in aforesaid General Manager, Telecom case a notification dated 11-12-1979 issued by the Govt. of India and the office memorandum was not considered and therefore, their Lordship of Supreme Court in the above said Umesh Koraga Bhandari case referred the matter for hearing by three judges bench after having referred to above said Theyyam Joseph case and Bombay Telephone Canteen Employees Association case as well as General Manager, Telecom case. Therefore, the principle laid down in the aforesaid GM Telecom case will not be helpful to the case of the first party. I find substance in the said contention the management. The principle laid down by their Lordship of Supreme Court in the above said GM Telecom case, in my humble opinion are not applicable to the present case. Undisputedly there was no adjudication of the question whether the holders of civil posts could move CGIT or the only forum to seek relief was the Administrative Tribunal. The effect of

notification in office memorandum referred to supra and Rule 6 of aforesaid Conduct and Service Rules were also not considered in the said case. As contended for the management in the aforesaid GM Telecom case the management happen to be Telecom department and whereas, in the aforesaid Theyyam Joseph case the management happened to be the Postal Department. The management in the above Umesh Koraga Bhandari case again happened to be a Telephone Nigam Limited. it is not in dispute that there are no employees like ED agents existed in the Department of Telecom which posts were existing in the Department of Post. Therefore, the decision laid down in the above said General Manager Telecom case holding it to be an 'Industry' will not be applicable to the management in the instant case which happened to be the Department of Post. That department of Post in fact was involved in the above said Theyyam Joseph case and their Lordship have held the view that it is not an 'industry'. Therefore, the principle laid down in the said Theyyam Joseph case must apply to the case on hand. That apart, in a subsequent decision of their Lordship of Supreme Court reported in 1998 Supreme Court case (L&S) 447 in Union of India and Others Vs. Kameshwar Prasad, we have got a very clear and unequivocal answer in deciding the controversy over the point in question. It was a case involving the post of Extra Departmental Agent as in the present case and their Lordship held the view that Extra Departmental Agent is a Government Servant holding a Civil Post and is entitled to protection of Article 311(2) of Constitution of India. Their Lordship further observed that the aforesaid Conduct and Service Rules 1964 are a complete code governing service, conduct and disciplinary proceedings against ED Agents. In fact in this case the party concerned had moved the Central Administrative Tribunal by filing OA No. 177/91 and the learned CAT had entertained the dispute which means to say that CAT was a proper forum to adjudicate the dispute raised by the ED Agent, he being a Civil Servant and that such a dispute cannot be raised before the CGIT. The principle laid down in the aforesaid decision therefore shall apply to the instant case on all its fours and if we go by the principle laid down in the said decision, once again, rendered by their Lordship of Supreme Court, it can never be said that the Postal Department is an 'Industry' as defined under Section 2(j) and the first party is a 'workman' as defined under Section 2(s) of the ID Act. It becomes crystal clear from the observations made in the said decision that the aforesaid rules namely, the Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules 1964 are complete code governing service conduct and disciplinary proceedings against EDAs. The aforesaid rules were not under consideration by their Lordship of Supreme Court in the aforesaid GM Telecom case. Therefore, on this count also principle laid down in the said case will not come to the rescue of the first party in this case. It is in this view of the matter, one must

attach due weight to the contention taken by the management that it was justified in terminating the services of the first party invoking Rule 6 of the above said (Conduct and Service) Rules and in the light of the very terms of appointment order issued to the first party. During 1988 the un-amended provision of Rule 6 provided a power to the appointing authority to terminate the services of Ed Packer (ED agent) who has not rendered more than 3 years continuous service without any notice. The implication of amendment of Rule (Service and Conduct) was to see that order for termination of service may not require any reasons to indicate but in cases of unsatisfactory service or for administrative reasons unconnected with the conduct, termination can be effected under the Rule 6 of the said Rules. In the instant case as noted above, the management invoking the above said Rule 6 terminated the services of the first party, ofcourse, without giving any reasons. As noted above, his services could have been terminated without giving any reason if he had not completed 3 years continuous service as on the date of termination order. In the instant case admittedly he did not complete period of 3 years continuous service on the date termination order was passed. That apart as noted above, Clause 4 of the appointment Order was very clear on the point that services of the first party as a ED Packer were liable to be terminated under the aforesaid (Conduct and Service) Rules as amended from time to time. Therefore, the contention taken by the first party that the management is an 'Industry' and he is a 'workman' under the provisions of ID Act and therefore, his termination amounts to illegal retrenchment there being no compliance of Section 25F of the ID Act must fail and in the result the decisions cited on behalf of the first party on the said point will not be helpful to his case. His contention that termination order is punitive in nature attaching stigma is again not tenable for the simple reason that the termination order has not even referred to his unsatisfactory work during the service and was just based upon Rule 6 of the above said (Conduct and Service) Rules. Absolutely no adverse remark was made in the termination order. His contention that there should have been a departmental enquiry as termination order was based on his alleged unauthorized absence amounting to misconduct again must fail keeping in view the aforesaid Rule 6 of the (Conduct and Service) Rules invoking which termination order was passed. Therefore, in the light of the above, it must be held that the management was justified in terminating the services of the first party w.e.f. 12-3-1986 and accordingly the reference is answered and following award is passed.

AWARD

The reference stands dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 3rd February 2006)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1246.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्सेस रिसर्च के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 169/99, 177/99, 164/99, 167/99, 171/99, 173/99, 165/99, 176/99, 172/99, 163/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-06 को प्राप्त हुआ था।

[सं. एल-42012/8,7,10,4,1,5,11,9,2,6/99-आई आर (डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1246.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 169/99, 177/99, 164/99, 167/99, 171/99, 173/99, 165/99, 176/99, 172/99, 163/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulses Research and their workman, which was received by the Central Government on 6-3-06.

[No. L-42012/8,7,10,4,1,5,11,9,2,6/99-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

**BEFORE SRI SURESH CHANDRA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT
SARVODAYA NAGAR, KANPUR U. P.**

**I. D. Case Nos. 169/99, 177/99, 164/99, 167/99, 171/
99, 173/99, 165/99, 176/99, 172/99, 163/99.**

In the matter of dispute between :—

- | | |
|---|------------------|
| 1. Jaswant Singh
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur U. P. 208001. | I. D. No. 169/99 |
| 2. Virender Kumar Tiwari
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur U. P. 208001. | I. D. No. 164/99 |
| 3. Suresh Kumar
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur. | I. D. No. 167/99 |

4. Nandu Tiwari
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

5. Bimal Kant Mishra
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

6. Mohan Lal Bajpai
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

7. Chandra Mohan Tiwari
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

8. Jitendra Kumar
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

9. Pradeep Kumar Awasthi
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

10. Upendra Kumar Awasthi
C/o Sri K K Mishra
M. E. 299, Barra Bhag-2
Kanpur.

And

The Director,
Indian Institute of Pulses Research,
Kalyanpur, G T Road,
Kanpur.

AWARD

1. Central Government vide following notifications have referred the following reference for adjudication to this Tribunal :—

1. Vide notification No. L-42012/8/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Jaswant Singh, is legal and justified? If not, to what relief the workman is entitled?

2. Vide notification No. L-42012/7/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Virender Kumar Tiwari, is legal and justified? If not, to what relief the workman is entitled?

3. Vide notification No. L-42012/10/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Suresh Kumar is legal and justified? If not, to what relief the workman is entitled?

4. Vide notification No. L-42012/14/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Nandu Tiwari is legal and justified? If not, to what relief the workman is entitled?

5. Vide notification No. L-42012/1/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Bimal Kant Mishra is legal and justified? If not, to what relief the workman is entitled?

6. Vide notification No. L-42012/5/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Mohan Lal Bajpai is legal and justified? If not, to what relief the workman is entitled?

7. Vide notification No. L-42012/11/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Chandra Mohan Tiwari is legal and justified? If not, to what relief the workman is entitled?

8. Vide notification No. L-42012/9/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their

workman Sh. Jitendra Kumar Dixit is legal and justified? If not, to what relief the workman is entitled?

9. Vide notification No. L-42012/2/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Pradeep Kumar Awasthi is legal and justified? If not, to what relief the workman is entitled?

10. Vide notification No. L-42012/6/99/IR DU dated 4-5-99.

Whether the action of the management of the Director, Indian Institute of Pulses Research, Kanpur, in terminating the services of their workman Sh. Upendra Kumar Awasthi is legal and justified? If not, to what relief the workman is entitled?

2. As common question of fact and law is involved in all the above cases, hence it is proposed to decide them by a common award. Further all the above cases have been consolidated vide order dated 2-3-2001 of the tribunal and I.D. Case No. 169 to 99 was made leading case.

3. The workers involved in the above cases have filed their statement of claim raising common ground in stereo typed manner giving details of their engagement and termination which are as under :—

Sl. No.	I. D. No.	Name of worker	Date of engagement	Date of termination
1	2	3	4	5
1.	169/99	Jaswant Singh	Feb. 1993	23-5-98
2.	177/99	Virendra Kr.	Nil	Nil
3.	164/99	Suresh Kumar	Feb. 1993	23-5-98
4.	167/99	Nandu Tiwari	June 1994	15-5-98
5.	171/99	Bimal Kant Mishra	April 1994	22-5-98
6.	173/99	Mohan Lal Bajpai	Nil	Nil
7.	165/99	Chandra Mohan Tiwari	Nil	Nil
8.	176/99	Jitendra Kumar	Nov. 93	15-5-98
9.	172/99	Pradeep Kr. Awasthi	Feb. 93	23-5-98
10.	163/99	Upendra Kr. Awasthi	Nil	Nil

4. Brief facts giving rise to the above industrial disputes are that the workers involved in the aforesaid

cases were engaged by the Director of the opposite party on the dates given above as labour for doing the work of permanent nature at remuneration of Rs. 910/- per month. It is further alleged that the opposite party in the month of February 93 had assured the workmen that they will be paid the wages and allowances as fixed by Central Government and that whenever they will acquire the conditions of being declared permanent they will be declared permanent employee of the opposite party. It is alleged that the workmen have completed more than six years of services continuously. The work and conduct of the workman remained ever satisfactory still they have not been provided with the facilities of permanent employees of the opposite party. Workers have also completed more than 240 days in each calendar year during the period of their engagement with the opposite party. It is further case of the workers that when they approached the management opposite party and made demand of declaring them permanent, opposite party annoyed with their demand and illegally terminated their services without adhering the provisions of the Industrial Disputes Act, 1947. Workers have not been issued any chargesheet before termination of their service. All the workers have been engaged by the opposite party on the oral instruction of the opposite party. Working hours of the workers remained from 8.00 A.M. to 5.00 P.M. It is also alleged that these workers were working under the supervision and control of Farm Manager. Work against which these workers had been engaged is of perennial nature. It is also alleged that after the termination of the services of the workers several junior persons were engaged by the opposite party. On the basis of above pleadings it has been prayed by the workers that the action of the management to be declared illegal and they be reinstated in the services of the opposite party with full back wages.

5. The management of opposite party have filed a common reply against the statement of claim submitted by the workers involved in the present dispute alleging therein that the opposite party is purely a 'Research Institute' under the management and control of Agricultural Research which functions under the department of Agriculture, Research and Education and is an autonomous body registered under the provisions of Societies Act 1860. The management has denied the fact that it is an industry within the meaning of section 2(j) of the Act as opposite party is not engaged in an activity which can be called within a trade or manufacturer, therefore, the present reference order is bad in law and is without jurisdiction. It is further alleged by opposite party that the workers have never been engaged or appointed by them, the claim of the workers are bad because of misjoinder and non joinder of necessary parties. It is alleged that the applicants involved in the present dispute are not workman within the meaning of section 2(s) of I.D. Act, and that there is no relationship of employee

and employer between them. The applicant had no lein or right on a regular post under the management. It has been alleged that the applicant could not claim wages and work as a matter of right like regular and permanent employee as he never worked continuously against any regular and permanent vacancy. It has further been stated by the opposite party that they never discharged, dismissed, retrenched or terminated the services of the applicant at any point of time either by written or oral order, hence individual dispute as alleged cannot be deemed to be industrial dispute as defined under the provisions of I.D. Act.

6. Apart from above legal grounds on merit it has been alleged by the management that the workers have never been engaged or employed in any capacity by them hence question of payment of wages as alleged by them does not arise. The allegations of the workers are false baseless concocted and misleading. The agriculture work is of casual nature and is got done through contractors having valid licence as and when required. The vacancy created under the management are filled up in accordance with the Rules and Regulations of Government of India/ Council for Agricultural Research and that the management of IIPR cannot create any new post nor appoint, promote any person without any vacancy nor incur any expenses beyond the sanctioned budget and allocation of fund. Under these circumstances question of declaring the workers involved in the dispute as permanent employee of management does not arise at all. Management has further denied the fact that they ever adopted unfair labour practice. Management has also denied the fact that the workers have performed the work under their supervision and control. Opposite party has also denied the fact of their having worked for more than 240 days in any calendar years as such keeping of records like attendance register and payment register in respect if these workers has been denied as well by the opposite party. It has been alleged by the opposite party that these workers are trying to secure back door entry in the services of the management by way of litigation in contravention of government rules. The opposite party in their entire written statement have disputed the relationship of master and servant between them and the workers involved in the case hence it is unnecessary to give further details of the written statement filed by the opposite party. It has further been denied that the workers have performed the work of permanent nature under the management as claimed by them. On the basis of above it has been prayed by the opposite party that the claim of the workers be dismissed being devoid of merit as the workers are not entitled for any relief as claimed by them. Rejoinder statement has also been filed by the workers in which nothing new has been stated except reiteration of the facts alleged in the statement of claim.

8. Contesting parties have also filed documentary evidence in the case beside adducing oral evidence. Whereas Sri Jagdish Narain has examined himself as W.W.1 on behalf of himself as well as on behalf of all the workers. Sri Pratap Singh Syal has examined himself as M.W.1 on behalf of opposite party.

9. Heard the parties authorised representatives in detail and also gone through the written arguments filed on their behalf. Considering the controversy as noted above the following points for determination may be summarized—

- (i) Whether the management of opposite party i.e. Indian Institute of Pulses Research, Kanpur, can be termed as Industry under the provisions of Industrial Disputes Act, 1947?
- (ii) Whether there is any relationship of workman and employer as alleged by the workers between the opposite party and workers?
- (iii) Whether the workmen were direct employee of the management and their services were illegally terminated as claimed by them.
- (iv) To what relief are the workers are entitled?

10. As regard the status of the opposite party as an Industry under the I.D. Act is concerned it is contended on behalf of the management that the opposite party is a research institute and deals with various research activities to help in augmenting the produce of agriculturist which may ultimately help to produce more pulses and food grains to benefit the entire country. In evidence it is the admitted case of the management that the products after research activities are distributed and sold to various agriculturist and also the produce is sold which is subject matter of research work against nominal price. Accepting this contention of the management it cannot be said that the management of the opposite party is not an Industry as defined under the provisions of I.D. Act. It can safely be said that have been taken through the contractor and the contractor was paid for the job rendered by him on contract basis through his labourers. From the evidence on record it is admitted fact that the workers were never issued any appointment letter nor any termination order was ever issued in their favour by the management of IIPR, Kanpur. Heavy burden lies on the workers to prove this fact that they were taken into employment or engaged directly by the management of IIPR. Overwhelming stress on behalf of the management is made to the effect that the management has not examined licensed contractor nor the licence contractor's name did appear in the written statement filed against the workers claim statement by the management of IIPR. Management from the very beginning has denied the fact that it ever engaged any worker directly under them. Mere non mentioning the contractor's name or not examining the contractor to rebut the claim of the workers would not ipso facto entitle any of the worker to hold that

these workers are direct employees of the management of IIPR. Certain test will have to be applied to decide the relationship of Master and Employer between the contesting parties. The Hon'ble Supreme Court in a case reported in 203(99) FLR page 1064 between Ram Singh and others versus Union Territory Chandigarh and others held that besides the control all other relevant facts and circumstances are required to be considered including the terms and conditions of the contract. It has clearly been laid down by the Hon'ble Court in that case that in determining the relationship of employer and employee no doubt control is one of the main test. As integrated approach is needed to determine this fact. Unless it is proved that the employer retains or assumes control over the means and method of work of a contractor, the relationship between employer and employee cannot be accepted to exist. In the present case the workers in their oral testimony alleges that their work was being controlled by Farm Manager. This fact has been clearly denied on oath by management witness, when he was examined by the representative of the worker before the Tribunal. In the next breath the employee has admitted that he had to work under the scientist whose name has also been disclosed by the worker in their evidence. If this factual position is accepted then the fact cannot be accepted that the farm manager of the opposite party had control over it. During the course of argument it has been impressed upon that the skill work assisting in research work is taken by regular employee of the IIPR but unskilled work relating basic augmentation of the purpose of agriculture work is got done through contractor's labourers who supplies the labourer for the product and work and the contractor is in lumpsum for the job conducted by him. On the record contractor's license is also filed and also the payment made to the contractor for various jobs rendered by contractors through its agents. Thus it cannot be accepted that any of the worker involved in the present reference order was in direct employment of the opposite party. The workers have tried to camouflage himself as a direct employee when they state that they were paid on monthly basis. This fact is self contradictory when the workers admits that they were never paid for Sundays and holidays and that they do not know at to what rate they were paid their daily wages. Therefore it can well be established that the workers involved in the present reference have no relationship of Master & Servant as claimed by them between them and the management of IIPR.

13. On behalf of the management Administrative Officer Mr. Syal has also been examined who has categorically stated that none of the workers was the direct employee of the management or worked directly under his supervision and control. Workers side has insisted upon the fact that since the payment and attendance register have not been filed by the management which could have

thrown light upon the point as to whether at any point of time these workers remained under the direct employment of the management. This fact has also been denied by the management as they had no direct control and supervision over the working of the workers involved in the present reference. The onus to prove the fact that these workers were direct employees of the management lies on the workers but they have failed to discharge the onus to prove the fact.

14. Having failed to prove that the workers involved in the present dispute are the direct employees of the management of IIPR Kanpur by adducing other relevant document any evidence supported with oral evidence the tribunal is bound to hold that there do not exist any relationship of master and servant between the contesting parties and that the demand of the workers cannot be said to be tenable in the eye of law.

15. In view of discussions of facts and law as made above, it is held that the action of the management in terminating their services from the date mentioned in the claim statement cannot be said to be illegal and unjustified.

16. Accordingly it is held that the workers of each of the industrial dispute mentioned in the present award are not entitled for any relief as claimed by them.

17. Reference is answered accordingly

SURESH CHANDRA, Presiding Officer
नई दिल्ली, 6 मार्च, 2006

का. आ. 1247.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1220/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-06 को प्राप्त हुआ था।

[सं. एल-40012/65/2005-आई आर (डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1247.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1220/2005) of the Central Government Industrial Tribunal/Labour Court, No. II, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 6-3-06.

[No. L-40012/65/2005-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II SECTOR 18, CHANDIGARH

PRESIDING OFFICER, SHRI KULDIP SINGH

Case No. I.D. No. 1220/2005

Registered on 29-11-2005

Date of Decision 27-12-2005

Sh. Rajinder Singh S/o Sh. Surjit Singh C/o Sh. N.K. Jost,
President, Punjab Telecom Labour Union, 27349, Lal Basti
Road, Bhatinda 151005.

Petitioner

Versus

The Chairman-cum-Managing Director, BSNL, Sanchar
Bhawan, Ashoka Road, New Delhi-110001.

Respondent

APPEARANCES

For the workman Workman is present in person

For the Management M.S. Deepali Puri Adv.

AWARD

The Government of India vide Notification No. L-40012/65/2005 HIR(DU) dated 26-10-2005 referred the following matter for the adjudication of this Tribunal;

“Whether the action of the Management or Telecommunication (BSNL). Ropar in terminating the services of Shri Rajinder Singh S/o Shri Surjit Singh, Ex-Casual Labour w.e.f. 31-12-2004 without complying with the statutory provisions of the I.D. Act is legal and justified? If not, to what relief the concerned workman is entitled to and from which date?”

The notice of reference was given to the parties and the workman is present in person today. On behalf of Management Ms. Deepali Puri, Advocate is present. It is stated by the parties that the matter has been resolved as the workman has been given appointment. The workman submitted an affidavit duly attested on 28th of June 2005. In support of the affidavit, the statement of the workman has been recorded and he has admitted its contents as correct. The workman has submitted in the affidavit that he was neither appointed by the BSNL nor he ever worked with them, as is claimed by him in the demand notice. He has further submitted that he does not want to continue with the case. The Management, through their counsel, has corroborated the submission made by the workman. In view of the statement of the workman, it is proved that the workman never worked for the management. It has further

been shown that he is not interested to continue with the case. There is, therefore, no evidence to support the claim of the workman that the action of the Management, Telecommunication, Ropar, in terminating the services of the workman with effect from 31st of December 2004 was illegal and unjustified. The statement of the workman shows that he is not interested to continue with the proceedings for the reasons best known to him. For the purposes of this reference I hold that there is nothing on record to show that the order of Management to terminate the services of Ex-Casual Labour Rajinder Singh was illegal and unjustified. Hence the reference is answered in the terms that the order of terminating of the workman was justified and legal and the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action and the file be sent to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

क्र. अ. 1248.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरीन्टेन्डेंट ऑफ पोस्ट ऑफिसों के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, मुंबई के पंचाट (संदर्भ संख्या सीजीआईटी-36/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-40011/29/2003-आई आर (डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1248.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-36/2003) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Mumbai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post Offices and their workman, which was received by the Central Government on 6-3-2006.

[No. L-40011/29/2003-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT

Justice Ghanshyam Dass,
Presiding Officer

REFERENCE NO. CGIT-36 OF 2003

PARTIES

Employers in relation to the management of
Sr. Supdt. of Post Office

And

Their workmen.

APPEARANCES

For the Management : Mr. V. Narayanan

For the Union : Mr. V. Mulay

State : Maharashtra

Mumbai, dated the 16th February, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-Section 1 and Sub-Section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi., order (No. L-40011/29/2003-IRDU) dated 05-8-2003. The terms of reference given in the schedule are as follows :

"Whether the action of the Management of Sr. Supdt. of Post offices, Mumbai, City South Division, Mumbai in deducting the one day wages of Sh. N. D. Bhosle, Stamp Vendor, Mantralaya, P.O. Mumbai is legal and justified? If not, what relief Sh. N. D. Bhosle is entitled to?"

2. The matter in hand is very very short. Admittedly, Mr. N. D. Bhosale was a Stamp Vendor. There was a strike call on 24-1-1997 by the postman and Gr. D. Union of South Division Branch of All India Postal Employee Union affiliated to National Federation of Postal Employees. Mr. Bhosale (hereinafter referred to as workman) was a member of the Union viz. Bhartiya Postal Employees Union Postman. It is contended that Bhartiya Employees Postal Employees Union Postman (hereinafter referred to as Union) was not a party to the call of a strike and hence, the workman was not on strike. It is alleged that on the fateful day 24-1-1997 at about 4.30 p.m. the strikers entered the post office and approached to the counter of the Stamp Vendor (workman) and asked him to stop the work and proceed for the strike; but he refused. Thereafter, they approached the Sub-Post Master at about 5.00 p.m. Thereafter Sub-Post Master ordered Shri. Umarakar, Postal Assistant to check the Stamp box of the workman. The checking was completed up to 5.15 p.m. The Stamp box was taken by the Sub Post Master Smt. S. P. Gore in her possession and asked the workman to stop the work of Stamp selling on account of disturbance by the strikers. The working hours of the Stamp Counter were 10 A.M. to 5.30 P.M. and half an hour from 5.30 P.M. to 6.00 P.M. was

for Accounts. The workman submitted the Stamp box at about 5.00 P.M. The total sale made by him on that date were Rs. 3,270 for Stamp and Stationery and Rs. 165 for Franking machine. The workman remained present up to 6.00 PM at the counter. He was not absent nor he refused to perform his duty. The Superintendent of Post Office, Mumbai (hereinafter referred to as management) treated the workman's case as *dies-none* for 24-10-1997 and deducted the wages for one day. The contention of the workman is that the deduction is illegal. It is in violation to CCS (CCA Rules) No. 11. It has been passed without giving any opportunity of hearing. It could never be passed since the workman was not on strike.

3. The contention of the Management is that the Union could not raise the dispute on behalf of the workman since it is a matter of single workman only. It is also alleged that the workman was on illegal strike and he had duly participated therein. Hence, the action was taken in accordance with law. The Appellate Authority had considered the appeal of the workman and that was rejected according to law.

4. The workman filed his own affidavit, affidavit of Shri. Sitaram S. Jadhav, in the capacity of Circle Secretary, Bhartiya Postal Employees Union and affidavit of Shri. Kadam in lieu of examination in chief. All these three witnesses have been cross examined by the learned counsel for the Management. The Management has not led any oral evidence. It has filed the documents Ex. M-1 to M-10.

5. I have heard the learned counsel for the parties and perused the record.

6. The first point of fact which require determination in this case is as to whether the workman was on strike on the fateful day, i.e. 24-1-1997. On this point the workman has led the evidence of self and two more witnesses namely Mr. S.S. Jadhav and Mr. Kadam. All of them have categorically stated that there was a strike call by the other Union and the Union Bhartiya Postal Employees Union Postman to which they belong was not on strike. From the evidence of these three witnesses it appears to be clear that it is very difficult to hold that the workman was actually on strike on 24-1-1997. No oral evidence whatsoever has been led by the Management to rebut the statement of three witnesses on oath. It may be mentioned that admittedly the workman was on duty from 10 AM to 5.00 PM. The only allegation against the workman is that he stopped the work of selling the stamps around 5.00 PM and participated in the strike from 5.00 PM to 6.00 PM as the duty hours of the workman were upto 6.00 PM. It is alleged that the Stamp box was checked by the Postal Assistant under the instruction of the Sub-Post Master and the stamp box was taken in possession by the Sub-Post Master at 5.15 PM. It is alleged that it was not taken back by the workman and in this view of the matter he is

proved to be on strike from 5.00 PM to 6.00 PM. I feel that this assertion of the Management is not acceptable. By no stretch of imagination it can be said that the workman actually participated in the strike. It is the intention which matters. It is the admitted position that the Union to which the workman belong was not on strike. The call of the strike was given by the other Union to which the workman did not belong. There was no reason for the workman to participate in the strike call made by the other Union. He admittedly worked from 10.00 AM to 5.00 PM. It is a matter of Judicial notice that a disturbance is generally caused by the strikers to disrupt the normal working of the other workmen who are not participating in the strike call and it so happened in the instant case. The strikers entered into the Post Office Compound where the work of selling of stamps was being done by the workman. It was natural for the strikers to ask the workman to stop selling of stamps. It was natural that some disturbance was there and apprehension of breach of peace might be there. It was thought proper by the Sub-Post Master to check the Stamp box and take it in her possession after getting it checked through Postal Assistant. There was nothing wrong on the part of the workman if he did not insist for the return of the Stamp box from the Post Master at 5.15 PM when it was taken by her in her possession. Had it been so that the Sub-Post Master insisted the workman to continue with the work of selling the stamps, and the workman refused for it, the position would have been otherwise. In the instant case, admittedly the Sub-Post Master took the Stamp box in her possession and hence, it was not possible for the workman to continue with the work after 5.15 PM to 6.00 PM. There is nothing on record to infer that the workman refused to obey the orders of the Post Master. There is nothing on record to infer that the workman actually participated in the strike and deliberately stopped working from 5.00 PM to 6.00 PM. The stoppage of work for a very short period of about one hour under compelling circumstances was there but for it the workman cannot be blamed. He cannot be penalised by deduction of wages for full one day under the principle of *dies none*. The principle of "No work No Pay" does not come in picture in the instant case when the workman worked for the entire day upto 5.00 PM and was compelled not to do the work from 5.15 PM to 6.00 PM.

7. In view of what has been discussed above, I conclude that the action of the Management in deducting the one day wages of Shri N. D. Bhosle, Stamp Vendor, Mantralaya, P.O, Mumbai is not legal and justified. The workman who has already retired is entitled to the refund of the same without any further delay.

8. The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. आ. 1249.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हैडीक्राफ्ट्स एंड हैण्डलूम्स एक्सपोर्ट कार्पोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 61 से 66 तक/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-06 को प्राप्त हुआ था।

[सं. एल-42012/150 से 155 तक/97-आई आर (डीयू)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 6th March, 2006

S.O. 1249.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 61 to 66/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Handicrafts & Handlooms Export Corporation of India Ltd., and their workman, which was received by the Central Government on 6-3-06.

[No. L-42012/150 to 155/97-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 8th November, 2005

Present

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 61 TO 66/2000

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai and their workmen)

BETWEEN:

- | | | |
|------------------------|----------------|-------------------------|
| 1. Sri G. Ashok Kumar | ID No. 61/2000 | I party/
Petitioners |
| 2. Sri Jayashankar | ID No. 62/2000 | |
| 3. Sri M.A. Kumaramani | ID No. 63/2000 | |
| 4. Sri A. Raju | ID No. 64/2000 | |
| 5. Sri Baliah | ID No. 65/2000 | |
| 6. Sri K. Francis | ID No. 66/2000 | |

AND

1. The General Manager : II Party/Management
Handicrafts & Handlooms Export
Corporation of India Ltd.,
Chennai.
2. Sri M. Balaraman,
Chennai.

Appearances:

- For the Petitioners : M/s. P.V.S. Gridhar,
Advocates
- For the 1st Respondent : Mr. N. Sridharan,
Advocate
- For the 2nd Respondent : M/s. L.J. Venkatesh,
Advocates

AWARD

I.D.NO. 61/2000 :

The Central Government, Ministry of Labour vide order No. L-42012/150/97-IR (DU) dated 08-09-2000 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is,—

“Whether the action of the management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai in terminating the services of their workman Shri G. Ashok Kumar w.e.f. 26-4-1997 is legal and justified? If not, to what relief the workman is entitled?”

2. After the receipt of the reference, it was taken on file as I.D. No. 61/2000 and notices ere issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. At the first instance, the Central Govt. did not consider this to be a fit case for reference to adjudication, due to certain reasons and aggrieved by that order, the Petitioner filed a Writ Petitioner before the High Court of Madras against the Govt. and the Madras High Court in a Writ Petition Nos. 3519 to 35244 1998 quashed the order of the Govt. and directed the Central Govt. to refer this dispute pertaining to retrenchment of the Petitioners for proper adjudication. Subsequently, the Govt. has referred this industrial dispute to this Tribunal.

3. Aggrieved by the order of reference the 1st Respondent has preferred a Writ Appeal before the High Court against the order of Single Judge and in the Writ Appeal, the High Court has directed that the Govt. could not have concluded that the Peitioners were employees of appellant (Respondent) even when the Respondent subsequently denied the claim made by the Writ Petitioners that they were its employees and in light of the above findings, the High Court has given a

direction to Govt. to reframe the reference in order to bring out the essential points in dispute between the parties. Accordingly the Govt. has referred this dispute by reframing the reference namely:—

“Whether the demand of Sri G. Ashok Kumar for reinstatement of his service with full back wages and consequential benefits by the principal employer namely Handicrafts and Handlooms Export Corporation of India Ltd., is just, fair & legal? If so, to what relief is the workman entitled?”

4. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner entered in the services of the Respondent as a helper in the year 1993 on casual basis and he worked continuously from the year 1993 without any break whatsoever. The Petitioner worked on a six day week and was paid only for the number of days actually worked. The 1st Respondent Corporation is owned by Central Govt. involved in export of handicrafts and handlooms. For the purpose of export, the 1st Respondent is involved in creation and production of sample of various handloom items including bed sheets, cushion covers, Lungi cloth and running materials made of cotton and silk. The Petitioner was designated as helper and has been attending to various kinds of work in the production section more particularly, to upkeep the sample library in production section. He was also assisting technical officers in presentation of samples to buyers and he was filing and upkeeping of counter sample received from production centres. Thus, he has been performing his duties in a competent manner due to his long experience. The work performed by the Petitioner is integral to the production process of 1st Respondent and his work is of a perennial nature. While so, to the shock and surprise of the Petitioner, his services were orally terminated by the 1st Respondent on 26-4-97. No. reason has been stated for termination of the services of Petitioner and no enquiry was held and no retrenchment compensation was paid for termination. This is clearly arbitrary, unreasonable and violative of principles of natural justice. Further, the 1st Respondent has terminated the Petitioner's service while retaining several of his juniors like Ms. Leelavathi and Devi. The action of the Respondent in terminating the services of Petitioner is in violation of provisions of Sections 25F & 25G of the Act as such, the termination is void, *ab initio*. Furthermore, after terminating the services of the Petitioner, new persons have been recruited as helpers. Therefore, the Petitioner has raised industrial dispute before the Assistant Labour Commissioner (Central). Only during the conciliation, the 1st Respondent filed Counter Statement stating that the Petitioner was not employed by them and employed by the 2nd

Respondent and further alleged that there is no relationship of employer-employee between the Petitioner and the 1st Respondent. It is false to allege that the 2nd Respondent is a contractor. Anyhow, the Petitioner was not aware of the relationship between the 1st and 2nd Respondents. The Petitioner never associated with the 2nd Respondent. In fact, the 2nd Respondent did not pay wages nor given any instructions regarding the nature of work performed by the Petitioner. The both Respondents do not hold valid licence under Contract Labour (Regulation & Abolition) Act. Hence, the Petitioner prays to pass an award directing the 1st Respondent to reinstate him in service with all back wages and all consequential benefits.

5. As against this, the 1st Respondent in the Counter Statement alleged that the Petitioner has never been employed and therefore, the petition filed by the Petitioner is not maintainable. The 1st Respondent is a Government of India undertaking engaged in export of handicrafts, textiles, garments, carpets, jewellery etc. The export orders were fluctuating and therefore, the Respondent Corporation invited tenders by its advertisement. Similarly, on advertisement in The Hindu, Indian Express, Daily Thanthi on 8-11-92 calling for rates for carrying out the certain works specified by therein. One Sri Balaraman sole proprietor of M/s. Sri Rajeswari Apparels namely the 2nd Respondent carrying on the business at No. 106, G.N. Chetty Road, T. Nagar, Chennai-17 came forward with a lowest rate to carry out those items of work assigned by the 1st Respondent. This Respondent accepted the tender of 2nd Respondent and assigned the said work to him after entering into agreement dated 1-1-93 for a period of one year from 1-1-93 to 31-12-93. After the expiry of the said period, fresh agreements were entered into between the 1st Respondent and 2nd Respondent by an agreement dated 1-1-94, 31-12-94, 3-12-95 and 22-5-97. This Respondent has also obtained licence to engage the contractor to carry out the job entrusted to him by employing his own labour force. Thus, the 2nd Respondent has employed his own labour force for the purpose of carrying out the jobs entrusted to him including this Petitioner and other Petitioners. The 2nd Respondent is a contractor had undertaken to be responsible for the due observation of all statutory requirements, regulations, obligations such as EPF, ESI and Miscellaneous Provisions Act and also various labour laws applicable to the persons engaged by him. Thus, the Petitioner is one of the workmen engaged by the said contractor namely the 2nd Respondent. This Respondent has no control over either the Petitioner or other workmen employed by the contractor namely 2nd Respondent. This Respondent has neither engaged the Petitioner in their service nor did they terminate his service. Prior to agreement entered with the 2nd Respondent, this Respondent has entered into an

agreement with the contractor namely M/s. Up Dater Services to carry out the work specified by the Respondent and entered into an agreement dated 6-1-92 for a period of one year. This Respondent is not doing any production of samples. Therefore, there is no question of regularisation of the Petitioner or grant of service benefits to them. It is false to allege that the Petitioner has put in six years of continuous service. Even before the conciliation proceedings the 2nd Respondent has agreed to reinstate the workmen including the Petitioner but the Petitioner did not accept the offer of employment. They have declined to accept the offer of reinstatement made by the 2nd Respondent and now the Petitioner has come forward with the present case listing grievances. Only the 2nd Respondent paid the wages to the Petitioners. The relationship between the 1st and 2nd Respondent is a genuine one and valid contract was entered into between them. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

6. The 2nd Respondent in his Counter Statement contended that the services of the Petitioner was neither dismissed nor retrenched at any point of time. Hence, invoking the relief of reinstatement under Section 2A does not arise. This Respondent is running a proprietor concern namely Rajeswari Apparels having obtained licence under Contract Labour (Regulation & Abolition) Act and engaged in tailoring readymade shirt. This Respondent is entered into agreement dated 1-1-93 by which certain work of the 1st Respondent corporation was assigned to contractor namely the 2nd Respondent. After the expiry period, fresh agreement was entered into between the 1st and 2nd Respondent by agreements dated 1-1-94, 31-12-95 and 22-5-97. Accordingly, this Respondent as a contractor employed his own labour force for the purpose of carrying out the job entrusted to him at the 1st Respondent premises. There is no relationship of employer-employee exists between the Petitioner and 1st Respondent and relationship of employer-employee exists between this Respondent and the 1st Respondent. The Petitioner is one of the worker engaged by the contractor for the purpose of carrying out the work entrusted by the 1st Respondent. Since there was not always continuous work at the 1st Respondent corporation this Respondent used to engaged the workers like this Petitioner only when there was work and pay only for the work done. The jobs were purely in intermittent nature and not of perennial in nature. Engagement of the Petitioner is purely on daily wages and the Petitioner was employed from 1993 onwards. Many times the Petitioner was not available when the work was there, hence, this Respondent used to engage other workers to carry out the work entrusted to him by the 1st Respondent. Since the Petitioner has left the service on his own, the allegation

of not conducting the enquiry and question of retrenchment or compensation does not arise at all. Since the Petitioner was not available for the work as he left the service without informing this Respondent was obligated to complete the work as per the agreement by engaging some other workmen and hence there is no violation of any statutory provisions. Even before the conciliation officer, this Respondent has agreed to reinstate the Petitioner and others but the Petitioner and others did not accept the offer of employment. The relationship between this Respondent and the 1st Respondent is genuine and valid one and the same cannot be questioned. After the expiry of agreement in 1997, this Respondent did not get any new contract or further work from the 1st Respondent and at present the business of this Respondent has become steady decline and suffered with losses. This Respondent is financially weak and it is very difficult to meet the needs and he is not in a position as he had accepted during the conciliation proceedings. Hence, he prays that the petition may be dismissed with costs.

7. In such circumstances, the points for my determination are—

- (i) "Whether the demand of the Petitioner for reinstatement of his service with full back wages and consequential benefits by the 1st Respondent/ Management is just, fair & legal?"
- (ii) "To what relief the Petitioner is entitled?"

I.D. No. 62/2000 :—

8. The Central Government, Ministry of Labour vide order No. L-42012/151/97-IR(DU) dated 08-09-2000 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

"Whether the action of the management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai in terminating the services of their workman Shri Jayashankar w.c.f. 26-04-1997 is legal and justified? If not to what relief the workman is entitled?"

9. After the receipt of the reference, it was taken on file as I.D. No. 62/2000 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. At the first instance, the Central Govt. did not consider this to be a fit case for reference to adjudication, due to certain reasons and aggrieved by that order, the Petitioner filed a Writ Petition before the High Court of Madras against the Govt. and the Madras High Court in a Writ Petition Nos. 3519 to 3524/1998 quashed the order of the Govt. and directed the Central Govt. to refer this dispute pertaining to retrenchment of the Petitioners for proper adjudication. Subsequently, the Govt. has referred this industrial dispute to this Tribunal.

10. Aggrieved by the order of reference, the 1st Respondent has preferred a Writ Appeal before the High Court against the order of Single Judge and in the Writ Appeal, the High Court has directed that the Govt. could not have concluded that the Petitioners were employees of appellant (Respondent) even when the Respondent subsequently denied the claim made by the Writ Petitioners that they were its employees and in light of the above findings, the High Court has given a direction to Govt. of reframe the reference in order to bring out the essential points in dispute between the parties. Accordingly the Govt. has referred this dispute by reframing the reference namely —

“Whether the demand of Sri Jayashankar for reinstatement of his service with full back wages and consequential benefits by the principal employer namely Handicrafts & Handlooms Export Corporation of India Ltd., is just, fair & legal? If so, to what relief is the workman entitled?”

11. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner entered in the services of the Respondent as a Typist in 1991 on casual basis and he worked continuously from the year 1991 without any break whatsoever. The Petitioner worked on a six day week and was paid only for the number of days actually worked. The 1st Respondent Corporation is owned by Central Govt. involved in export of handicrafts and handlooms. For the purpose of export, the 1st Respondent is involved in creation and production of sample of various handlooms items including bed sheets cushion covers, lungi cloth and running materials made of cotton and silk. The Petitioner was designated as a Typist and has been attending to various kinds of work in the production section more particularly, to upkeep the sample library in production section. He was also assisting technical officers in presentation of samples to buyers and he was filing and upkeeping of counter samples received from production centers. Thus, he has been performing his duties in a competent manner due to his long experience. The work performed by the Petitioner is integral to the production process of 1st Respondent and his work is of a perennial nature. While so, to the shock and surprise of the Petitioner, his services were orally terminated by the 1st Respondent on 26-4-97. No reason has been stated for termination of the services of Petitioner and no enquiry was held and no retrenchment compensation was paid for termination. This is clearly arbitrary, unreasonable and violative of principles of natural justice. Further, the 1st Respondent has terminated the Petitioner's service while retaining several of his juniors like Ms. Leelavathi and Devi. The action of the Respondent in terminating the services of petitioner is in violation of provisions of Section 25F & 25G of the Act and as such, the

termination is *void, ab initio*. Furthermore, after terminating the services of the Petitioner, new persons have been recruited as helpers. Therefore, the Petitioner has raised industrial dispute before the Assistant Labour Commissioner (Central). Only during the conciliation, the 1st Respondent filed Counter Statement stating that the Petitioner was not employed by them and employed by the 2nd Respondent and further alleged that there no relationship of employer-employee between the Petitioner and the 1st Respondent. It is false to allege that the 2nd Respondent is a contractor. Any how, the Petitioner was not aware of the relationship between the 1st and 2nd Respondents. The Petitioner never associated with the 2nd Respondent. In fact, the 2nd Respondent did not pay wages nor given any instructions regarding the nature of work performed by the Petitioner. The both Respondents do not hold valid license under Contract Labour (Regulation & Abolition) Act. Hence, the Petitioner prays to pass an award directing the 1st Respondent to reinstate him in service with all back wages and all consequential benefits.

12. As against this, the 1st Respondent in the Counter Statement alleged that the Petitioner has never been employed and therefore, the petition filed by the Petitioner is not maintainable. The 1st Respondent is a Government of India undertaking engaged in export of handicrafts, textiles, garments, carpets, jewellery etc. The export order were fluctuating and therefore, the Respondent Corporation invited tenders by its advertisement. Similarly, on advertisement in the Hindu, Indian Express, daily Thanthi on 8-11-92 calling for rates for carrying out the certain works specified by therein. One Sri Balaraman sole proprietor of M/s. Sri Rajeswari Apparels namely the 2nd Respondent carrying on the business at No. 106, G. N. Chetty Road, T. Nager, Chennai-17 came forward with a lowest rate to carry out those items of work assigned by the 1st Respondent. This Respondent accepted the tender of 2nd Respondent and assigned the said work to him after entering into agreement dated 1-1-93 for a period of one year from 1-1-93 to 31-12-93. After the expiry of the said period, fresh agreements were entered into between the 1st Respondent and 2nd Respondent by an agreement dated 1-1-94, 31-12-94, 3-12-95 and 22-5-97. This Respondent has also obtained licence to engage the contractor to carry out the job entrusted to him by employing his own labour force. Thus, the 2nd Respondent has employed his own labour force for the purpose of carrying out the jobs entrusted to him including this Petitioner and other Petitioners. The 2nd Respondent is a contractor had undertaken to be responsible for the due observation of all statutory requirements, regulations, obligations such as EPF, ESI and Miscellaneous provisions Act, and also various labour laws applicable to the persons engaged by him.

Thus, the Petitioner is one of the workmen engaged by the said contractor namely the 2nd Respondent. This Respondent has no control over either the Petitioner or other workmen employed by the contractor namely 2nd Respondent. This Respondent has neither engaged the Petitioner in their service nor did they terminate his service. Prior to agreement entered with the 2nd Respondent, this Respondent has entered into an agreement with the contractor namely M/s. Up Dater Services to carry out the work specified by the Respondent and entered into an agreement dated 6-1-92 for a period of one year. This Respondent is not doing any production of samples. Therefore, there is no question of regularisation of the Petitioner or grant of service benefits to them. It is false to allege that the Petitioner has put in six years of continuous service. Even before the conciliation proceedings the 2nd Respondent has agreed to reinstate the workmen including the Petitioner but the Petitioner did not accept the offer of employment. They have declined to accept the offer of reinstatement made by the 2nd Respondent and now the Petitioner has come forward with the present case listing grievances. Only the 2nd Respondent paid the wages to the Petitioners. The relationship between the 1st and 2nd Respondent is a genuine one and valid contract was entered into between them. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

13. The 2nd Respondent in his Counter Statement contended that the services of the Petitioner was neither dismissed nor retrenched at any point of time. Hence, invoking the relief of reinstatement under section 2A does not arise. This Respondent is running a Proprietor concern namely Rajeswari Apparels having obtained licence under Contract Labour (Regulation & Abolition) Act and engaged in tailoring readymade shirt. This respondent is entered into agreement dated 1-1-93 by which certain work of the 1st Respondent corporation was assigned to contractor namely the 2nd Respondent. After the expiry period, fresh agreement was entered into between the 1st and 2nd Respondent by agreements dated 1-1-94, 31-12-95 and 22-5-97. Accordingly, this Respondent as a contractor employed his own labour force for the purpose of carrying out the job entrusted to him at the 1st Respondent premises. There is no relationship of employer-employee exists between the Petitioner and 1st Respondent and relationship of employer-employee exists between this Respondent and the 1st Respondent. The Petitioner is one of the worker engaged by the contractor for the purpose of carrying out the work entrusted by the 1st Respondent. Since there was not always continuous work at the 1st Respondent corporation, this Respondent used to engage the workers like this Petitioner only when there was work and pay only for the work done. The jobs were purely in intermittent nature and not of perennial in

nature. Engagement of the Petitioner is purely on daily wages. It is not correct to say that the Petitioner was employed in the year 1991 and the Petitioner was employed from 1993 onwards. Many times the Petitioner was not available when the work was there, hence, this Respondent used to engage other workers to carry out the work entrusted to him by the 1st Respondent. Since the Petitioner has left the service on his own, the allegation of not conducting the enquiry and question of retrenchment or compensation does not arise at all. Since the Petitioner was not available for the work as he left the service without informing this Respondent was obligated to complete the work as per the agreement by engaging some other workmen and hence there is no violation of any statutory provisions. Even before the conciliation officer, this Respondent has agreed to reinstate the Petitioner and others but the Petitioner and others did not accept the offer of employment. The relationship between this Respondent and the 1st Respondent is genuine and valid one and the same cannot be questioned. After the expiry of agreement in 1997, this Respondent did not get any new contract or further work from the 1st Respondent and at present the business of this Respondent has become steady decline and suffered with losses. This Respondent is financially weak and it is very difficult to meet the needs and he is not in a position as he had accepted during the conciliation proceedings. Hence, he prays that the petition may be dismissed with costs.

14. In such circumstances, the points for my determination are:—

- (i) "Whether the demand of the Petitioner for reinstatement of his service with full back wages and consequential benefits by the 1st Respondent/Management is just, fair & legal?"
- (ii) "To what relief the Petitioner is entitled?"

I. D. No. 63/2000:—

15. The Central Government, Ministry of Labour vide order No. L-42012/152/97-IR (DU) dated 8-9-2000 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is:—

"Whether the action of the management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai in terminating the services of their workman Shri M. A. Kumaramani w. e. f. 26-4-1997 is legal and justified? If not, to what relief the workman is entitled?"

16. After the receipt of the reference, it was taken on file as I. D. No. 63/2000 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. At the

first instance, the Central Govt. did not consider this to be a fit case for reference to adjudication, due to certain reasons and aggrieved by that order, the Petitioner filed a Writ Petition before the High Court of Madras against the Govt. and the Madras High Court in a Writ Petition Nos. 3519 to 3524/1998 quashed the order of the Govt. and directed the Central Govt. to refer this dispute pertaining to retrenchment of the Petitioners for proper adjudication. Subsequently, the Govt. has referred this industrial dispute to this Tribunal.

17. Aggrieved by the order of reference, the 1st Respondent has preferred a Writ Appeal before the High Court against the order of Single Judge and in the Writ Appeal, the High Court has directed that the Govt. could not have concluded that the Petitioners were employees of appellant (Respondent) even when then Respondent subsequently denied the claim made by the Writ Petitioners that they were its employees and in light of the above findings, the High Court has given a direction to Govt. to reframe the reference in order to bring out the essential points in dispute between the parties. Accordingly the Govt. has referred this dispute by reframing the reference namely:—

“Whether the demand of Sri M.A. Kumaramani for reinstatement of his service with full back wages and consequential benefits by the principal employer namely Handicrafts and Handlooms Export Corporation of India Ltd. is just, fair & legal? If so, to what relief is the workman entitled?”

18. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The petitioner entered in the services of the Respondent as a helper in 1984 on casual basis and he worked continuously from the year 1994 without any break whatsoever. The Petitioner worked on a six day week and was paid only for the number of days actually worked. The 1st Respondent Corporation is owned by Central Govt. involved in export of handicrafts and handlooms. For the purpose of export, the 1st Respondent is involved in creation and production of sample of various handloom items including bed sheets cushion covers, lungi cloth and running materials made of cotton and silk. The Petitioner was designated as helper and has been attending to various kinds of work in the production section more particularly, to upkeep the sample library in production section. He was also assisting technical officers in presentation of samples to buyers and he was filing and upkeeping of counter samples received from production centres. Thus, he has been performing his duties in a competent manner due to his long experience. The work performed by the Petitioner is integral to the production process of 1st Respondent and his work is of a perennial nature. while

so, to the shock and surprise of the Petitioner. his services were orally terminated by the 1st Respondent on 26-4-97. No reason has been stated for termination of the services of Petitioner and no enquiry was held and no retrenchment compensation was paid for termination. This is clearly arbitrary, unreasonable and violative of principles of natural justice. Further, the 1st Respondent has terminated the Petitioner's service while retaining several of his juniors like Ms. Leelavathi and Devi. The action of the Respondent in terminating the services of Petitioner is in violation of provisions of Section 25F & 25G of the Act and as such, the termination is *void, ab initio*. Furthermore, after terminating the services of the Petitioner, new persons have been recruited as helpers. Therefore, the Petitioner has raised industrial dispute before the Assistant Labour Commissioner (Central). Only during the conciliation, the 1st Respondent filed counter Statement stating that the Petitioner was not employed by them and employed by the 2nd Respondent and further alleged that there no relationship of employer-employee between the Petitioner and the 1st Respondent. It is false to allege that the 2nd Respondent is a contractor. Any how, the Petitioner was not aware of the relationship between the 1st and 2nd Respondent. The Petitioner never associated with the 2nd Respondent. In fact, the 2nd Respondent did not pay wages nor given any instructions regarding the nature of work performed by the Petitioner. The both Respondents do not hold valid license under Contract Labour (Regulation and Abolition) Act. Hence, the Petitioner prays to pass an award directing the 1st Respondent to reinstate him in service with all back wages and all consequential benefits.

19. As against this, the 1st Respondent in the Counter Statement alleged that the Petitioner has never been employed and therefore, the petition filed by the Petitioner is not maintainable. The 1st Respondent is a Government of India undertaking engaged in export of handicrafts, textiles, garments, carpets, jewellery etc. The export orders were fluctuating and therefore, the Respondent Corporation invited tenders by its advertisement. Similarly, on advertisement in The Hindu, Indian Express, daily Thanthi on 8-11-92 calling for rates for carrying out the certain works specified by therein. One Sri Balaraman sole proprietor of M/s. Sri Rajeswari Appearels namely the 2nd Respondent carrying on the business at No. 106, G. N. Chetty Road, T. Nagar, Chennai-17 came forward with a lowest rate to carry out those items of work assigned by the 1st Respondent. This Respondent accepted the tender of 2nd Respondent and assigned the said work to him after entering into agreement dated 1-1-93 for a period of one year from 1-1-93 to 31-12-93. After the expiry of the said period, fresh agreements were entered into between the 1st Respondent and 2nd Respondent by an agreement dated 1-1-94, 31-12-94, 3-12-95 and 22-5-97. This Respondent has also obtained licence to engage the

contractor to carry out the job entrusted to him by employing his own labour force. Thus, the 2nd Respondent has employed his own labour force for the purpose of carrying out the jobs entrusted to him including this Petitioner and other Petitioners. The 2nd Respondent is a contractor had undertaken to be responsible for the due observation of all statutory requirements, regulations, obligations such as EPF, ESI and Miscellaneous provisions Act and also various labour laws applicable to the persons engaged by him. Thus, the Petitioner is one of the workmen engaged by the said contractor namely the 2nd Respondent. This Respondent has no control over either the Petitioner or other workmen employed by the contractor namely 2nd Respondent. This Respondent has neither engaged the Petitioner in their service nor did they terminate his service. Prior to agreement entered with the 2nd Respondent, this Respondent has entered into an agreement with the contractor namely M/s. Up Dater Services to carry out the work specified by the Respondent and entered into an agreement dated 6-1-92 for a period of one year. This Respondent is not doing any production of samples. Therefore, there is no question of regularisation of the Petitioner or grant of service benefits to them. It is false to allege that the Petitioner has put in six years of continuous service. Even before the conciliation proceedings the 2nd Respondent has agreed to reinstate the workman including the Petitioner did not accept the offer of employment. They have declined to accept the offer reinstatement made by the 2nd Respondent and now the Petitioner has come forward with the present case listing grievances. Only the 2nd Respondent paid the wages to the Petitioners. The relationship between the 1st and 2nd Respondent is a genuine one and valid contract was entered into between them. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

20. The 2nd Respondent in his Counter Statement contended that the services of the Petitioner was neither dismissed nor retrenched at any point of time. Hence, invoking the relief of reinstatement under Section 2A does not arise. The Respondent is running a proprietor concern namely Rajeswari Apparels having obtained licence under Contract Labour (Regulation & Abolition) Act and engaged in tailoring readymade shirt. This Respondent is entered into agreement dated 1-1-93 by which certain work of the 1st Respondent corporation was assigned to contractor namely the 2nd Respondent. After the expiry period, fresh agreement was entered into between the 1st and 2nd Respondent by agreements dated 1-1-94, 31-12-95 and 22-5-97. Accordingly, this Respondent as a contractor employed his own labour force for the purpose of carrying out the job entrusted to him at the 1st Respondent premises. There is no relationship of employer-employee exists between the

Petitioner and 1st Respondent and relationship of employer-employee exists between this Respondent and the 1st Respondent. The Petitioner is one of the worker engaged by the contractor for the purpose of carrying out the work entrusted by the 1st Respondent. since there was not always continuous work at the 1st Respondent corporation, this Respondent used to engage the workers like this Petitioner only when there was work and pay only for the work done. The jobs were purely in intermittent nature and not of perennial in nature. Engagement of the Petitioner is purely on daily wages. It is not correct to say that the Petitioner was employed in the year 1984 and the Petitioner was employed from 1993 onwards. Many times the Petitioner was not available when the work was there, hence, this Respondent used to engage other workers to carry out the work entrusted to him by the 1st Respondent. Since the Petitioner has left the service on his own, the allegation of not conducting the enquiry and question of retrenchment or compensation does not arise at all. Since the Petitioner was not available for the work as he left the service without informing this Respondent was obligated to complete the work as per the agreement by engaging some other workmen and hence there is no violation of any statutory provisions. Even before the conciliation officer, this Respondent has agreed to reinstate the Petitioner and others but the Petitioner and others did not accept the offer of employment. The relationship between this Respondent and the 1st Respondent is genuine and valid one and the same cannot be questioned. After the expiry of agreement in 1997, this Respondent did not get any new contract or further work from the 1st Respondent and at present the business of this Respondent has become steady decline and suffered with losses. This Respondent is financially weak and it is very difficult to meet the needs and he is not in a position as he had accepted during the conciliation proceedings. Hence, he prays that the petition may be dismissed with costs.

21. In such circumstances, the points for my determination are —

- (i) "Whether the demand of the Petitioner for reinstatement of his service with full back wages and consequential benefits by the 1st Respondent/Management is just, fair & legal?"
- (ii) "To what relief the Petitioner is entitled?"

I.D. No. 64/2000 :—

22. The Central Government, Ministry of Labour vide order No. L-42012/153/97-IR(DU) dated 8-9-2000 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

"Whether the action of the management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai in terminating the services of

their workman Shri A. Raju w.e.f. 26-4-1997 is legal and justified? If not, to what relief the workman is entitled?"

23. After the receipt of the reference, it was taken on file as I.D.No. 64/2000 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. At the first instance, the Central Govt. did not consider this to be a fit case for reference to adjudication, due to certain reasons and aggrieved by that order, the Petitioner filed a Writ Petition before the High Court of Madras against the Govt. and the Madras High Court in a Writ Petition Nos. 3519 to 3524/1998 quashed the order of the Govt. and directed the Central Govt. to refer this dispute pertaining to retrenchment of the Petitioners for proper adjudication. Subsequently, the Govt. has referred this industrial dispute to this Tribunal.

24. Aggrieved by the order of reference, the 1st Respondent has preferred a Writ Appeal before the High Court against the order of Single Judge and in the Writ Appeal, the High Court has directed that the Govt. could not have concluded that the Petitioners were employees of appellant (Respondent) even when the Respondent subsequently denied the claim made by the Writ Petitioners that they were its employees and in light of the above findings, the High Court has given a direction to Govt. to reframe the reference in order to bring out the essential points in dispute between the parties. Accordingly the Govt. has referred this dispute by reframing the reference namely:—

"Whether the demand of Sri A. Raju for reinstatement of his service with full back wages and consequential benefits by the principal employer namely Handicrafts and Handlooms Export Corporation of India Ltd. is just, fair & legal? If so, to what relief is the workman entitled?"

25. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner entered in the services of the Respondent as a Helper in the year 1988 on casual basis and he worked continuously from the year 1994 without any break whatsoever. The Petitioner worked on a six day week and was paid only for the number of days actually worked. The 1st Respondent Corporation is owned by Central Govt. involved in export of handicrafts and handlooms. For the purpose of export, the 1st Respondent is involved in creation and production of sample of various handloom items including bed sheets cushion covers, lungi cloth and running materials made of cotton and silk. The Petitioner was designated as helper and has been attending to various kinds of work in the production section more particularly, to upkeep the sample library in production section. He was also assisting technical officers in

presentation of samples to buyers and he was filing and upkeeping of counter samples received from production centres. Thus, he has been performing his duties in a competent manner due to his long experience. The work performed by the Petitioner is integral to the production process of 1st Respondent and his work is of a perennial nature. While so, to the shock and surprise of the Petitioner, his services were orally terminated by the 1st Respondent on 26-4-97. No reason has been stated for termination of the services of Petitioner and no enquiry was held and no retrenchment compensation was paid for termination. This is clearly arbitrary, unreasonable and violative of principles of natural justice. Further, the 1st Respondent has terminated the Petitioner's service while retaining several of his juniors like Ms. Leelavathi and Devi. The action of the Respondent in terminating the services of Petitioner is in violation of provisions of Section 25F & 25G of the Act and as such, the termination is *void, ab initio*. Furthermore, after terminating the services of the Petitioner, new persons have been recruited as helpers. Therefore, the Petitioner has raised industrial dispute before the Assistant Labour Commissioner (Central). Only during the conciliation, the 1st Respondent filed Counter Statement stating that the Petitioner was not employed by them and employed by the 2nd Respondent and further alleged that there is no relationship of employer-employee between the Petitioner and the 1st Respondent. It is false to allege that the 2nd Respondent is a contractor. Any how, the Petitioner was not aware of the relationship between the 1st and 2nd Respondents. The Petitioner never associated with the 2nd Respondent. In fact, the 2nd Respondent did not pay wages nor given any instructions regarding the nature of work performed by the Petitioner. The both Respondents do not hold valid license under Contract Labour (Regulation & Abolition) Act. Hence, the Petitioner prays to pass an award directing the 1st Respondent to reinstate him in service with all back wages and all consequential benefits.

26. As against this, the 1st Respondent in the Counter Statement alleged that the Petitioner has never been employed and therefore, the petition filed by the Petitioner is not maintainable. The 1st Respondent is a Government of India undertaking engaged in export of handicrafts, textiles, garments, carpets, jewellery etc. The export orders were fluctuating and therefore, the Respondent Corporation invited tenders by its advertisement. Similarly, on advertisement in *The Hindu*, *Indian Express*, daily *Thanthi* on 8-11-92 calling for rates for carrying out the certain works specified by therein. One Sri Balaraman sole proprietor of M/s. Sri Rajeswari Apparels namely the 2nd Respondent carrying on the business at No.106, G.N. Chetty Road, T. Nagar, Chennai-17 came forward with a lowest rate to carry out those items of work assigned by the 1st Respondent. This Respondent accepted the tender of 2nd Respondent and assigned the said work to him after

entering into agreement dated 1-1-93 for a period of one year from 1-1-93 to 31-12-93. After the expiry of the said period, fresh agreements were entered into between the 1st Respondent and 2nd Respondent by an agreement dated 1-1-94, 31-12-94, 3-12-95 and 22-5-97. This Respondent has also obtained licence to engage the contractor to carry out the job entrusted to him by employing his own labour force. Thus, the 2nd Respondent has employed his own labour force for the purpose of carrying out the jobs entrusted to him including this Petitioner and other Petitioners. The 2nd Respondent is a contractor had undertaken to be responsible for the due observation of all statutory requirements, regulations, obligations such as EPF, ESI and Miscellaneous Provisions Act and also various labour laws applicable to the persons engaged by him. Thus, the Petitioner is one of the workmen engaged by the said contractor namely the 2nd Respondent. This Respondent has no control over either the Petitioner or other workmen employed by the contractor namely 2nd Respondent. This Respondent has neither engaged the Petitioner in their service nor did they terminate his service. Prior to agreement entered with the 2nd Respondent, this Respondent has entered into an agreement with the contractor namely M/s. Up Dater Services to carry out the work specified by the Respondent and entered into an agreement dated 6-1-92 for a period of one year. This Respondent is not doing any production of samples. Therefore, there is no question of regularisation of the Petitioner or grant of service benefits to them. It is false to allege that the Petitioner has put in six years of continuous service. Even before the conciliation proceedings the 2nd Respondent has agreed to reinstate the workmen including the Petitioner but the petitioner did not accept the offer of employment. They have declined to accept the offer of reinstatement made by the 2nd Respondent and now the Petitioner has come forward with the present case listing grievances. Only the 2nd Respondent paid the wages to the Petitioners. The relationship between the 1st and 2nd Respondent is a genuine one and valid contract was entered into between them. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

27. The 2nd Respondent in his Counter Statement contended that the services of the Petitioner was neither dismissed nor retrenched at any point of time. Hence, invoking the relief of reinstatement under Section 2A does not arise. This Respondent is running a proprietor concern namely Rajeswari Apparels having obtained licence under Contract Labour (Regulation & Abolition) Act and engaged in tailoring readymade shirt. This Respondent is entered into agreement dated 1-1-93 by which certain work of the 1st Respondent corporation was assigned to contractor namely the 2nd Respondent. After the expiry period, fresh agreement was entered into between the 1st and 2nd Respondent by agreements

dated 1-1-94, 31-12-95 and 22-5-97. Accordingly, this Respondent as a contractor employed his own labour force for the purpose of carrying out the job entrusted to him at the 1st Respondent premises. There is no relationship of employer-employee exists between the Petitioner and 1st Respondent and relationship of employer-employee exists between this Respondent and the 1st Respondent. The Petitioner is one of the worker engaged by the contractor for the purpose of carrying out the work entrusted by the 1st Respondent. Since there was not always continuous work at the 1st Respondent corporation, this Respondent used to engage the workers like this Petitioner only when there was work and pay only for the work done. The jobs were purely intermittent in nature and not of perennial in nature. Engagement of the Petitioner is purely on daily wages. It is not correct to say that Petitioner was employed in the year 1988 and the Petitioner was employed from 1993 onwards. Many times the Petitioner was not available when the work was there, hence, this Respondent used to engage other workers to carry out the work entrusted to him by the 1st Respondent. Since the Petitioner has left the service on his own, the allegation of not conducting the enquiry and question of retrenchment or compensation does not arise at all. Since the Petitioner was not available for the work as he left the service without informing this Respondent was obligated to complete the work as per the agreement by engaging some other workmen and hence there is no violation of any statutory provisions. Even before the Conciliation Officer, this Respondent has agreed to reinstate the Petitioner and others but the Petitioner and others did not accept the offer of employment. The relationship between this Respondent and the 1st Respondent is genuine and valid one and the same cannot be questioned. After the expiry of agreement in 1997, this Respondent did not get any new contract or further work from the 1st Respondent and at present the business of this Respondent has become steady decline and suffered with losses. This Respondent is financially weak and it is very difficult to meet the needs and he is not in a position as he had accepted during the conciliation proceedings. Hence, he prays that the petition may be dismissed with costs.

28. In such circumstances, the points for my determination are—

- (iii) "Whether the demand of the Petitioner for reinstatement of his service with full back wages and consequential benefits by the 1st Respondent/Management is just, fair & legal?"
- (iv) "To what relief the Petitioner is entitled?"

L.D. No. 65/2000:—

29. The Central Government, Ministry of Labour vide order No.L-42012/154/97-IR(DU) dated 8-9-2000 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is —

“Whether the action of the management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai in terminating the services of their workman Sri G. Baliah w.e.f. 26-4-1997 is legal and justified? If not, to what relief the workman is entitled?”

30. After the receipt of the reference, it was taken on file as I.D. No.65/2000 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. At the first instance, the Central Govt. did not consider this to be a fit case for reference to adjudication, due to certain reasons and aggrieved by that order, the Petitioner filed a Writ Petition before the High Court of Madras against the Govt. and the Madras High Court in a Writ Petition Nos.3519 to 3524/1998 quashed the order of the Govt. and directed the Central Govt. to refer this dispute pertaining to retrenchment of the Petitioners for proper adjudication. Subsequently, the Govt. has referred this industrial dispute to this Tribunal.

31. Aggrieved by the order of reference, the 1st Respondent has preferred a Writ Appeal before the High Court against the order of Single Judge and in the Writ Appeal, the High Court has directed that the Govt. could not have concluded that the Petitioners were employees of appellant (Respondent) even when the Respondent subsequently denied the claim made by the Writ Petitioners that they were its employees and in light of the above findings, the High Court has given a direction to Govt. to reframe the reference in order to bring out the essential points in dispute between the parties. Accordingly the Govt. has referred this dispute by reframing the reference namely—

“Whether the demand of Sri G. Baliah for reinstatement of his service with full back wages and consequential benefits by the principal employer namely Handicrafts and Handlooms Export Corporation of India Ltd. is just, fair & legal? If so, to what relief is the workman entitled?”

32. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner entered in the services of the Respondent as a helper in the year 1994 on casual basis and he worked continuously from the year 1994 without any break whatsoever. The Petitioner worked on a six day week and was paid only for the number of days actually worked. The 1st Respondent Corporation is owned by Central Govt. involved in export of handicrafts and handlooms. For the purpose of export, the 1st Respondent is involved in creation and production of sample of various handloom items including bed sheets cushion covers, lungi cloth and running materials made of cotton and silk. The Petitioner was designated as helper and has been attending to

various kinds of work in the production section more particularly, to upkeep the sample library in production section. He was also assisting technical officers in presentation of samples to buyers and he was filing and upkeep of counter samples received from production centres. Thus, he has been performing his duties in a competent manner due to his long experience. The work performed by the Petitioner is integral to the production process of 1st Respondent and his work is of a perennial nature. While so, to the shock and surprise of the Petitioner, his services were orally terminated by the 1st Respondent on 26-4-97. No reason has been stated for termination of the services of Petitioner and no enquiry was held and no retrenchment compensation was paid for termination. This is clearly arbitrary, unreasonable and violative of principles of natural justice. Further, the 1st Respondent has terminated the Petitioner's service while retaining several of his juniors like Ms. Leelavathi and Devi. The action of the Respondent in terminating the services of Petitioner is in violation of provisions of Section 25F & 25G of the Act and as such, the termination is *void, ab initio*. Furthermore, after terminating the services of the Petitioner, new persons have been recruited as helpers. Therefore, the Petitioner has raised industrial dispute before the Assistant Labour Commissioner (Central). Only during the conciliation, the 1st Respondent filed Counter Statement stating that the Petitioner was not employed by them and employed by the 2nd Respondent and further alleged that there is no relationship of employer-employee between the Petitioner and the 1st Respondent. It is false to allege that the 2nd Respondent is a contractor. Any how, the Petitioner was not aware of the relationship between the 1st and 2nd Respondents. The Petitioner never associated with the 2nd Respondent. In fact, the 2nd Respondent did not pay wages nor given any instructions regarding the nature of work performed by the Petitioner. The both Respondents do not hold valid license under Contract Labour (Regulation & Abolition) Act. Hence, the Petitioner prays to pass an award directing the 1st Respondent to reinstate him in service with all back wages and all consequential benefits.

33. As against this, the 1st Respondent in the Counter Statement alleged that the petitioner has never been employed and therefore, the petition filed by the Petitioner is not maintainable. The 1st Respondent is a Government of India undertaking engaged in export of handicrafts, textiles, garments, carpets, jewellery etc. The Export orders were fluctuating and therefore, the Respondent Corporation invited tenders by its advertisement. Similarly, on advertisement in The Hindu, Indian Express, daily Thanthi on 8-11-92 calling for rates for carrying out the certain works specified by therein. One Sri Balaraman sole proprietor of M/s. Sri Rajeswari Apparels namely the 2nd Respondent carrying on the business at No. 106, G. N. Chetty Road, T. Nagar.

Chennai-17 came forward with a lowest rate to carry out those items of work assigned by the 1st Respondent. This Respondent accepted the tender of 2nd Respondent and assigned the said work to him after entering into agreement dated 1-1-93 for a period of one year from 1-1-93 to 31-12-93. After the expiry of the said period, fresh agreements were entered into between the 1st Respondent and 2nd Respondent by an agreement dated 1-1-94, 31-12-94, 3-12-95 and 22-5-97. This Respondent has also obtained licence to engage the contractor to carry out the job entrusted to him by employing his own labour force. Thus, the 2nd Respondent has employed his own labour force for the purpose of carrying out the jobs entrusted to him including this petitioner and other Petitioners. The 2nd Respondent is a contractor had undertaken to be responsible for the due observation of all statutory requirements, regulations, obligations such as EPF, ESI and Miscellaneous Provisions Act and also various labour laws applicable to the persons engaged by him. Thus, the Petitioner is one of the workmen engaged by the said contractor namely the 2nd Respondent. This Respondent has no control over either the Petitioner or other workmen employed by the contractor namely 2nd Respondent. This Respondent has neither engaged the Petitioner in their service nor did they terminate his service. Prior to agreement entered with the 2nd Respondent, this Respondent has entered into an agreement with the contractor namely M/s. Up Dater Services to carry out the work specified by the Respondent and entered into an agreement dated 6-1-92 for a period of one year. This Respondent is not doing any production of samples. Therefore, there is no question of regularisation of the Petitioner or grant of service benefits to them. It is false to allege that the Petitioner has put in six years of continuous service. Even before the conciliation proceedings the 2nd Respondent has agreed to reinstate the workmen including the Petitioner but the Petitioner did not accept the offer of employment. They have declined to accept the offer of reinstatement made by the 2nd Respondent and now the Petitioner has come forward with the present case listing grievances. Only the 2nd Respondent paid the wages to the Petitioners. The relationship between the 1st and 2nd Respondent is a genuine one and valid contract was entered into between them. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

34. The 2nd Respondent in his Counter Statement contended that the services of the Petitioner was neither dismissed nor retrenched at any point of time. Hence, invoking the relief of reinstatement under Section 2A does not arise. This Respondent is running a proprietor concern namely Rajeswari Apparels having obtained licence under Contract Labour (Regulation and Abolition) Act and engaged in tailoring readymade shirt. This Respondent is entered into agreement dated 1-1-93 by which certain work of the 1st Respondent

corporation was assigned to contractor namely the 2nd Respondent. After the expiry period, fresh agreement was entered into between the 1st and 2nd Respondent by agreements dated 1-1-94, 31-12-95 and 22-5-97. Accordingly, this Respondent as a contractor employed his own labour force for the purpose of carrying out the job entrusted to him at the 1st Respondent premises. There is no relationship of employer-employee exists between the Petitioner and 1st Respondent and relationship of employer-employee exists between this Respondent and the 1st Respondent. The Petitioner is one of the worker engaged by the contractor for the purpose of carrying out the work entrusted by the 1st Respondent. Since there was not always continuous work at the 1st Respondent corporation, this Respondent used to engage the workers like this Petitioner only when there was work and pay only for the work done. The jobs were purely in intermittent nature and not of perennial in nature. Engagement of the Petitioner is purely on daily wages. It is not correct to say that the Petitioner was employed from 1994 onwards. Many times the Petitioner was not available when the work was there, hence, this Respondent used to engage other workers to carry out the work entrusted to him by the 1st Respondent. Since the Petitioner has left the service on his own, the allegation of not conducting the enquiry and question of retrenchment or compensation does not arise at all. Since the Petitioner was not available for the work as he left the service without informing this Respondent was obligated to complete the work as per the agreement by engaging some other workmen and hence there is no violation of any statutory provisions. Even before the conciliation officer, this Respondent has agreed to reinstate the Petitioner and others but the Petitioner and others did not accept the offer of employment. The relationship between this Respondent and the 1st Respondent is genuine and valid one and the same cannot be questioned. After the expiry of agreement in 1997, this Respondent did not get any new contract or further work from the 1st Respondent and at present the business of this Respondent has become steady decline and suffered with losses. This Respondent is financially weak and it is very difficult to meet the needs and he is not in a position as he had accepted during the conciliation proceedings. Hence, he prays that the petition may be dismissed with costs.

35. In such circumstances, the points for my determination are—

(v) "Whether the demand of the Petitioner for reinstatement of his service with full back wages and consequential benefits by the 1st Respondent/ Management is just, fair & legal?"

(vi) "To what relief the Petitioner is entitled?"

I.D. No.66/2000:—

36. The Central Government, Ministry of Labour vide order No. L-42012/155/97-IR(DU) dated 05-09-2000 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

"Whether the action of the management of Handicrafts & Handlooms Export Corporation of India Ltd., Chennai in terminating the services of their workman Shri K. Francis w.e.f. 26-4-1997 is legal and justified? If not, to what relief the workman is entitled?"

37. After the receipt of the reference, it was taken on file as I.D. No. 66/2000 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. At the first instance, the Central Govt. did not consider this to be a fit case for reference to adjudication, due to certain reasons and aggrieved by that order, the Petitioner filed a Writ Petition before the High Court of Madras against the Govt. and the Madras High Court in a Writ Petition Nos. 3519 to 3524/1998 quashed the order of the Govt. and directed the Central Govt. to refer this dispute pertaining to retrenchment of the Petitioner for proper adjudication. Subsequently, the Govt. has referred this industrial dispute to this Tribunal.

38. Aggrieved by the order of reference, the 1st Respondent has preferred a Writ Appeal before the High Court against the order of Single Judge and in the Writ Appeal, the High Court has directed that the Govt. could not have concluded that the Petitioners were employees of appellant (Respondent) even when the Respondent subsequently denied the claim made by the Writ Petitioners that they were its employees and in light of the above findings, the High Court has given a direction to Govt. to reframe the reference in order to bring out the essential points in dispute between the parties. Accordingly the Govt. has referred this dispute by reframing the reference namely—

"Whether the demand of Sri K. Francis for reinstatement of his service with full back wages and consequential benefits by the principal employer namely Handicrafts and Handlooms Export Corporation of India Ltd., is just, fair and legal? If so, to what relief is the workman entitled?"

39. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner entered in the services of the Respondent as a helper in February, 1980 on casual basis and he worked continuously from the year 1994 without any break whatsoever. The Petitioner worked on a six day week and was paid only for the number of days actually worked. The 1st Respondent Corporation is owned by Central Govt. involved in export of

handicrafts and handlooms. For the purpose of export, the 1st Respondent is involved in creation and production of sample of various handloom items including bed sheets, cushion covers, lungi cloth and running materials made of cotton and silk. The Petitioner was designated as helper and has been attending to various kinds of work in the production section more particularly, to upkeep the sample library in production section. He was also assisting technical officers in presentation of samples to buyers and he was filing and upkeeping of counter samples received from production centres. Thus, he has been performing his duties in a competent manner due to his long experience. The work performed by the Petitioner is integral to the production process of 1st Respondent and his work is of a perennial nature. While so, to the shock and surprise of the Petitioner, his services were orally terminated by the 1st Respondent on 26-4-97. No reason has been stated for termination of the services of Petitioner and no enquiry was held and no retrenchment compensation was paid for termination. This is clearly arbitrary, unreasonable and violative of principles of natural justice. Further, the 1st Respondent has terminated the Petitioner's service while retaining several of his juniors like Ms. Leelavathi and Devi. The action of the Respondent in terminating the services of Petitioner is in violation of provisions of Section 25 F & 25G of the Act and as such, the termination is void, ab initio. Furthermore, after terminating the services of the Petitioner, new persons have been recruited as helpers. Therefore, the Petitioner has raised industrial dispute before the Assistant Labour Commissioner (Central). Only during the conciliation, the 1st Respondent filed Counter Statement stating that the Petitioner was not employed by them and employed by the 2nd Respondent and further alleged that there is no relationship of employer-employee between the Petitioner and the 1st Respondent. It is false to allege that the 2nd Respondent is a contractor. Any how, the Petitioner was not aware of the relationship between the 1st and 2nd Respondents. The Petitioner never associated with the 2nd Respondent. In fact, the 2nd respondent did not pay wages nor given any instructions regarding the nature of work performed by the Petitioner. The both Respondents do not hold valid license under Contract Labour (Regulation & Abolition) Act. Hence, the Petitioner prays to pass an award directing the 1st Respondent to reinstate him in service with all back wages and all consequential benefits.

40. As against this, the 1st Respondent in the Counter Statement alleged that the Petitioner has never been employed and therefore, the Petition filed by the Petitioner is not maintainable. The 1st Respondent is a Government of India undertaking engaged in export of handicrafts, textiles, garments, carpets, jewellery etc. The export orders were fluctuating and therefore, the

Respondent Corporation invited tenders by its advertisement. Similarly, on advertisement in The Hindu, Indian Express, Daily Thanthi on 8-11-92 calling for rates for carrying out the certain works specified by therein. One Sri Balaraman sole proprietor of M/s. Sri Rajeswari Apparels namely the 2nd Respondent carrying on the business at No.106, G.N. Chetty Road, T. Nagar, Chennai-17 came forward with a lowest rate to carry out those items of work assigned by the 1st Respondent. This Respondent accepted the tender of 2nd Respondent and assigned the said work to him after entering into agreement dated 1-1-93 for a period of one year from 1-1-93 to 31-12-93. After the expiry of the said period, fresh agreements were entered into between the 1st Respondent and 2nd Respondent by an agreement dated 1-1-94, 31-12-94, 3-12-95 and 22-5-97. This Respondent has also obtained licence to engage the contractor to carry out the job entrusted to him by employing his own labour force. Thus, the 2nd Respondent has employed his own labour force for the purpose of carrying out the jobs entrusted to him including this Petitioner and other Petitioners. The 2nd Respondent is a contractor had undertaken to be responsible for the due observation of all statutory requirements, regulations, obligations such as EPF, ESI and Miscellaneous Provisions Act and also various labour laws applicable to the persons engaged by him. Thus, the Petitioner is one of the workmen engaged by the said contractor namely the 2nd Respondent. This Respondent has no control over either the Petitioner or other workmen employed by the contractor namely 2nd Respondent. This Respondent has neither engaged the Petitioner in their service nor did they terminate his service. Prior to agreement entered with the 2nd Respondent, this Respondent has entered into an agreement with the contractor namely M/s. Up Dater Services to carry out the work specified by the Respondent and entered into an agreement dated 6-1-92 for a period of one year. This Respondent is not doing any production of samples. Therefore, there is no question of regularisation of the Petitioner or grant of service benefits to them. It is false to allege that the Petitioner has put in six year of continuous service. Even before the conciliation proceedings the 2nd Respondent has agreed to reinstate the workmen including the Petitioner but the Petitioner did not accept the offer of employment. They have declined to accept the offer of reinstatement made by the 2nd Respondent and now the Petitioner has come forward with the present case listing grievances. Only the 2nd Respondent paid the wages to the Petitioners. The relationship between the 1st and 2nd Respondent is a genuine one and valid contract was entered into between them. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

41. The 2nd Respondent in his Counter Statement contended that the services of the Petitioner was neither dismissed nor retrenched at any point of time. Hence, invoking the relief of reinstatement under Section 2A does not arise. This Respondent is running a proprietor concern namely Rajeswari Apparels having obtained licence under Contract Labour (Regulation & Abolition) Act and engaged in tailoring readymade shirt. This Respondent is entered into agreement dated 1-1-93 by which certain work of the 1st Respondent corporation was assigned to contractor namely the 2nd Respondent. After the expiry period, fresh agreement was entered into between the 1st and 2nd Respondent by agreements dated 1-1-94, 31-12-95 and 22-5-97. Accordingly, this Respondent as a contractor employed his own labour force for the purpose of carrying out the job entrusted to him at the 1st Respondent premises. There is no relationship of employer-employee exists between the Petitioner and 1st Respondent and relationship of employer-employee exists between this Respondent and the 1st Respondent. The Petitioner is one of the worker engaged by the contractor for the purpose of carrying out the work entrusted by the 1st Respondent. Since there was not always continuous work at the 1st Respondent corporation this Respondent used to engage the workers like this Petitioner only when there was work and pay only for the work done. The jobs were purely in intermittent nature and not of perennial in nature. Engagement of the Petitioner is purely on daily wages. It is not correct to say that the petitioner was employed in the year 1980 and the Petitioner was employed from 1993 onwards. Many times the petitioner was not available when the work was there, hence, this Respondent used to engage other workers to carry out the work entrusted to him by the 1st Respondent. Since the Petitioner has left the service on his own, the allegation of not conducting the enquiry and question of retrenchment or compensation does not arise at all. Since the Petitioner was not available for the work as he left the service without informing this Respondent was obligated to complete the work as per the agreement by engaging some other workmen and hence there is no violation of any statutory provisions. Even before the conciliation officer, this Respondent has agreed to reinstate the petitioner and others but the Petitioner and others did not accept the offer of employment. The relationship between this Respondent and the 1st Respondent is genuine and valid one and the same cannot be questioned. After the expiry of agreement in 1997, this Respondent did not get any new contract or further work from the 1st Respondent and at present the business of this Respondent has become steady decline and suffered with losses. This Respondent is financially weak and it is very difficult to meet the needs and he is not in a position as he had accepted during the conciliation proceedings. Hence, he prays that the petition may be dismissed with costs.

42. In Such circumstances, the points for my determination are —

- (i) "Whether the demand of the petitioner for reinstatement of his service with full back wages and consequential benefits by the 1st Respondent/ Management is just, fair & legal?"
- (ii) "To what relief the Petitioner is entitled?"

Point No.1 :

43. In all the above six cases, the fact and also legal position are one and the same. Both sides have filed a joint memo stating that I.D.Nos. 61 to 66/2000 may be clubbed together and evidence may be taken in I.D.No. 66/2000 and the same may be treated as common evidence in all these cases and therefore, a common trial was ordered and a common evidence was taken in I.D. No. 66/2000.

44. The case of the Petitioners in all these six cases is that they were directly employed by the 1st Respondent namely the General Manager, the Handicrafts & Handlooms Export Corporation of India Ltd. and they were worked directly under him and they were continuously working without any break. While so, all of a sudden the first Respondent disengaged them on 26th April, 1997. As against this, the 1st Respondent contended that the Petitioners were employed through contractor namely 2nd Respondent and the 1st Respondent has registered itself as a principal employer under the Contract Labour (Regulation & Abolition) Act. Similarly, the 2nd Respondent has obtained licence from the appropriate authority under Contract Labour (Regulation & Abolition) Act and therefore, there is no employer-employee relationship between the Petitioners and the 1st Respondent and even if the Petitioners have got any grievance, they have to approach only the 2nd Respondent and not the 1st Respondent.

45. In order to establish that the Petitioners had worked directly under the 1st Respondent, the Petitioner in I.D.No. 66/2000 Mr. K. Francis was examined as WW1 and the Petitioner in I.D.No. 63/2000 namely Mr. M.K. Kumaramani was examined as WW2. On the side of the Petitioner one Mr. P.N.Mugesh, an ex-employee of the 1st Respondent was also examined as an independent witness. On the side of the Petitioners 64 documents were marked. We will see the evidence and also legal proposition made on behalf of the Petitioners.

46. The Petitioner in I.D.No.66/2000, who was examined as WW1 has stated that he was working as a helper on daily wages and he joined the services of 1st Respondent in February, 1980 and he has served under the 1st Respondent in February, 1980 and he has served under the 1st Respondent for more than 17 years and at the time of his joining, he was paid Rs.7/- and at the time of his discharge, he received Rs.42/- per day and the office cashier of the 1st Respondent will come and pay the said wages and his higher official is Deputy Manager (Technical) one Mr. V.M. Kadar Ali who was examined as MW1 on the side

of the Respondent/Management. He has produced conduct certificate given by the Deputy Manager (Technical) which is marked as Ex. W1. He has also produced copy of the photos taken on several occasions with the officials of the 1st Respondent and he has produced the same which are marked as Ex. W2 to W5. He alleged that 1st Respondent have maintained one attendance register and they have taken the Xerox copy of the attendance register and in that the workmen and also higher officials of the 1st Respondent have signed and he produced the copy of the attendance register for the years 1985 to 1992 under Ex. W6 series. He further stated that he and other Petitioners in this dispute will take samples to other places of the 1st Respondent/Management and gate passes were also issued to them for the same and he produced copy of gate passes under Ex. W7 to W18. It is his further evidence that once he has taken samples to New Delhi and for this, the Manager (Technical) has given a certificate and he has produced the copy of the same as Ex. W19. Similarly, he says that the samples will be given to him to brush the same from Expo Brush Co. in Bycrafts Road, Triplicane, Chennai and for this the Deputy Manager has given letter of introduction and he produced copies of such letters under Ex. W20 to W32. It is his further evidence that in the year 1997, the Deputy Manager Mr. Lakshmanam has made a complaint against him and also with regard to the Petitioner in I.D.No.63/2000 namely Mr. Kumaramani to the Chief Manager Mr. Srikandaiah and he produced copy of the said complaint under Ex. W33. Similarly, the petitioner in I.D.No.63/2000, namely Mr. Kumaramani, who was examined as WW2 stated that he joined the service of 1st Respondent in the year 1984 as Peon cum helper and he also stated that Deputy Manager Mr. Lakshmanan has given a complaint in the year 1987 and also against the Petitioner in I.D.No.66/2000 namely Mr. Francis to the Chief Manager. Similarly, the Deputy Manager Mr. Kadar Ali has given conduct certificate copy of which is marked as Ex. W35. Similarly, the Chief Manager (Technical), General Manager of the 1st Respondent have also given certificates and copy of the same were marked as Ex. W36 & W37 this witness has also stated that he has also taken the samples from 1st Respondent office at Teynampet to Peters Road office and for this authorisation was given to him and he has marked the copy of authorisation as Ex. W38. He has also stated that he has taken samples from Chennai to New Delhi for which the Manager Mr. Trivedi has given letter and copy of which is marked as Ex. W39. He has also brought samples from Ministry of Textiles to 1st Respondent Corporation and for which they have given letters, copies of the same are marked as Ex. W40 to W46. It is his further evidence that all the Deputy Managers and General Manager of the Respondent/Management had confidence on him and he has also produced a copy of the letter given by General Manager, which was addressed to Bank of India authorising the witness to receive credit card, for which he has produced the copy of the letter as Ex. W47. This witness

also produced copy of the attendance register from 16-10-85 to 31-10-87 and 1-1-88 to 30-9-92 which is marked as Ex. W48 series. He has also produced copy of the group photo taken during silver jubilee function of the Corporation, which is marked as Ex. W49. He has similarly produced a copy of the photos as Ex. W50 to W52 in which the 1st Respondent officers are seen along with this witness. The next witness examined on the side of the Petitioner was one Mr. P.N. Muges, who stated that he was a regular employee of the 1st Respondent and he was regularised in the year 1986 and he worked in the 1st Respondent till 1998 and due to his ill-health he has not attended the work and after that he was dismissed from service. He has stated that even while he was working in factory, the Petitioners have worked along with him in sample section and he knew the Petitioners from the year 1986 and it is his further evidence that the Petitioners were working continuously and they were also worked from 9.00 am to 9.00 pm. In order to establish that he was a regular employee, he has also produced a copy of the posting order issued to him, which is marked as Ex. W53 and also a merit certificate issued to him, which is marked as Ex. W54. He has also produced Ex. W55 namely order passed by the Respondent/Management dated 18-8-89 and also produced copy of seniority list which is marked as Ex. W56 to W62. He has also produced copy of photograph of employees in the factory of 1st Respondent/Management under Ex. W64.

47. Learned counsel for the Petitioner contended that the Petitioners were working under the 1st Respondent/Management continuously without any break and the Deputy Manager of the 1st Respondent and also other officers have given conduct certificates to some of the Petitioners and from all these documents, it is clear that the Petitioner in I.D. No. 66/2000 worked from the year 1980 and the Petitioner in I.D. No. 63/2000 namely Mr. Kumaramani worked from the year 1984 and the Petitioner in I.D. No. 61/2000 worked from the year 1978 and so on. It is in fact, the Deputy Manager Mr. Kadar Ali who was examined on the side of the Respondent/Management has admitted his signature in the attendance register and he has not given any explanation for what reason, he has signed in the attendance register when the Petitioners were alleged to have been contract workers of the 2nd Respondent. Though, he has stated in the cross examination that from the year 1992 the contract for supply of contract workers was entered into in writing and before that they have engaged casual labourers on daily basis, no document was produced by the Respondent/Management that these Petitioners were engaged only as casuals on daily basis and they have not engaged continuously as alleged by them. From the documents Ex. W6 and W48 the Petitioners have worked continuously under the 1st Respondent and they have also worked over time and they received wages for the over time and from these documents, it is clear that the alleged contract is only a sham and nominal document

only to disentitle the benefits to the Petitioners under labour legislations. Learned counsel for the Petitioner further contended that though the 1st Respondent contended that the Corporation has registered itself as a principal employer and has produced certificate of registration namely Ex. M8 in that though it was alleged that it was signed by Deputy Chief Inspector of Factories, 3rd Division, Chennai-6, since the 1st Respondent/Management is under the control of Central Government, the appropriate authority is the Central Govt. and therefore, registration and licence by the state authorities is not valid and further the 1st Respondent has not stated how this certificate is valid under Contract Labour (Regulation & Abolition) Act. Learned counsel for the Petitioner further alleged that the 2nd Respondent though he has stated that he has obtained licence from the appropriate authority he has not produced proper and valid licence under Contract Labour (Regulation & Abolition) Act. No doubt, the 2nd Respondent has produced certain documents namely Ex. M64 to M69 which the payment of Employees Providents Fund statement of account for the year 1997-98 in respect of the Petitioners. Merely producing documents, it cannot be said that the Petitioners have employed as contract workers under the 2nd Respondent. They are only the documents created for the purpose of establishing that there was a contract, but the said contract is not valid and the ultimate authority was with the 1st Respondent. Though the 1st Respondent has produced copy of contract entered into between the 1st and 2nd Respondents and also another person, the said documents are created and they are sham and bogus. Even prior to the said documents, it is clearly established that the Petitioners had worked under the 1st Respondent and it is also admitted that they have worked as casual labourers and only to change their status, contract labour was introduced by the 1st Respondent bringing fictitious persons as intermediary and mere existence of intermediary will not prove that the contract alleged to have been entered into between the 1st and 2nd Respondents is a genuine. It is further clear from the contention of the Respondent that the first contract was introduced in the year 1990 and later it was changed to 2nd Respondent but the workmen namely the Petitioners were not changed and they were changed from the status of direct employees to alleged contractor employees. But the work allotment, supervision and disciplinary control were with the 1st Respondent/Management and wages were also paid by the 1st Respondent. No doubt, the 2nd Respondent has produced documents Ex. M17 to M63 which he alleged to be wage bill register for the year 1995-96 and 1996-97, but it is not established before this Tribunal that they are genuine documents maintained by the alleged contractor for the attendance of the contract workmen. It is only Xerox copy of the document and front page of the attendance register was not taken as Xerox copy and also the original document has not been produced before the Tribunal for reference. Further, no signature of the 2nd Respondent nor his alleged supervisor namely one

Mr. Saravanan was found place in the register. Though he produced copy of the attendance register, there is no proof that who has maintained this register or authenticity of the document. No doubt, the 2nd Respondent has shown ESI authorities have signed in attendance register, but it was not clear that when the ESI authorities and in which place the ESI authorities have verified the document and from whom it was verified. Under such circumstances, no relevance can be placed on these documents and therefore, learned counsel for the Petitioner contended that these documents are not genuine and are created for the purpose of this case.

48. As against this, learned counsel for the 1st Respondent contended that 1st Respondent engaged the 2nd Respondent as their contractor and he has also produced copy of agreements dated 1-1-93, 1-1-94, 31-12-94 and 31-12-95 and marked the same as Ex. M3 to M6 and it was extended by a letter dated 25-4-97 a copy of which is marked as Ex. M7. It is the further contention of the 1st Respondent that they have registered their name as principal employer under Contract Labour (Regulation & Abolition) Act and he has produced copy of registration dated 21-5-1993 which is marked as Ex. M8 in which the 2nd Respondent is shown as contractor for the certificate of registration and nature of work are also mentioned in that document and he has also produced Ex. M9 copy of remittance challan for the remittance made by the 2nd Respondent for renewal of licence under Contract Labour (Regulation & Abolition) Act. It is the contention of the 1st Respondent that he has engaged another contractor M/s. Up Dater Services prior to the 2nd Respondent and he has also entered into agreement with the 2nd Respondent, copy of which is marked as Ex. M10. Similarly, licence issued by the factories Inspector dated 24-10-1990 to Up Dater Services under Contract Labour (Regulation & Abolition) Act is marked as Ex. M11 and he has stated that in annexure the place in which the work has to be carried out is also mentioned and he has also produced copy of the registration issued by Deputy Chief Inspector of Factories under Contract Labour (Regulation & Abolition) Act to the 1st Respondent which is marked as Ex. M12 and in the registration certificate it is mentioned that the principal employer is the 1st Respondent. Thus, it is clear from the documents produced by the 1st Respondent that they have engaged the contractor Up Dater Services initially and subsequently, the 2nd Respondent from the year 1993 and from these documents, it is clear that the 2nd Respondent alone has received the payment of wages of workmen namely Petitioner and others and also made the amount of PF contribution and also ESI contribution to the concerned authorities. Thus, it is established that the 1st Respondent is only the principal employer and the 2nd Respondent is a contractor and the Petitioners were only contract labourers under the 2nd Respondent. It is his further contention that Petitioners have not established that they have been employed by the 1st Respondent directly. From

the wage register Ex. M18 to M37 and M43 to M61, the Petitioners have signed their names and received wages from the 2nd Respondent and it is also clear that Inspector of State Employees Insurance Corporation having inspected the wage register maintained by the 2nd Respondent and affixed his seal. Further, from Ex. M51 letter dated 18-2-2005 issued by the Assistant Provident Fund Commissioner, it is clear that the amount standing in the credit of all the six Petitioners and is also mentioned in that letter that some of the Petitioners have settled their accounts with the provident fund authorities. Thus, it is clear that 2nd Respondent contractor had paid wages to the Petitioners and also made deduction in EPF contribution and ESI contribution and some of the Petitioners have received their EPF contribution from the authorities. Further, except the two Petitioners namely Mr. Francis and Mr. Kumaramani, the other Petitioners in this dispute have not given any oral evidence and they have not produced any document to show that they were employed by the 1st Respondent. Though WW1 and WW2 have stated that they have received wages, it is their evidence that no deduction was made towards EPF and ESI contribution and though they have stated that they have received salary from the 1st Respondent, no document was produced before this Court to substantiate their claim. No doubt, the Petitioners have produced certain conduct certificates and some gate passes, but by production of these documents, it cannot be construed that the Petitioners were engaged by the 1st Respondent directly. The gate passes were issued only because they have taken some of the goods from the premises of the 1st Respondent/Management to outside agencies and the conduct certificates were issued by some of the officers, but it is not established before this Tribunal that the officers who have signed the conduct certificates has got authority to issue such conduct certificate. Merely because some of the officers have stated that the Petitioners have worked under 1st Respondent/Management, it cannot be said that the same is the proof of their employment under the 1st Respondent/Management. Further, in none of the documents produced by the Petitioner, it is mentioned that they were employed under 1st Respondent/Management and no status of the Petitioners was mentioned in these documents and they are given only as bearer of the letter. Under such circumstances, no relevance can be placed on these documents to come to a conclusion that they were under the employment of the 1st Respondent/Management.

49. On behalf of the 2nd Respondent, it is contended that the 2nd Respondent is carrying on business in the name and style of Rajeswari apparels and when the 1st Respondent has issued tender, he has participated in that for carrying out the work specified therein and after the acceptance of the contract, agreements were entered into as mentioned in Ex. M3 to M6 and it was also extended under Ex. M7. The 2nd Respondent has also obtained licence under Contract Labour (Regulation & Abolition)

Act and he has paid remittance fee for renewal under the said Act, which is marked as Ex. M9. In pursuance of the contract, the 2nd Respondent has engaged his own labour force including the Petitioners to carry out the various work entrusted to him under agreement and he has provided one supervisor for supervising all work and he produced a copy of the licence under Ex. M72 and the Petitioners were only workers engaged by the 2nd Respondent and he has deducted contribution towards EPF and also ESI and he has maintained wage register namely Ex. M17 to M41 for November, 1995 to July, 1996 and Ex. M42 to M63 for the period from August, 1996 to May, 1997. It is their contention that Inspector of Employees State Insurance Corporation having inspected the wage register has made an endorsement in the register and he has remitted the employees PF contribution along with employer's contribution to Regional P.F. Commissioner and he has marked Ex. M64 to M69 for the same. It is also clear from the document produced by the 2nd Respondent namely Ex. M71 that some of the Petitioners have settled their PF account from the authorities. Even before the conciliation authority, the 2nd Respondent has stated that he is willing to take the Petitioners into service, but the Petitioners refused to work under the 2nd Respondent and under such circumstances, the Petitioners were not under the direct employment of 1st Respondent, but they are only direct employees of 2nd Respondent.

50. With regard to the legal aspect, learned counsel for the Petitioner contended that when the question arose that who is the appropriate authority, the Central Government or State Government, the criteria for ascertainment is 'whether the 1st Respondent/Corporation is established to carry on the function which is exclusively to the privilege of the Government to carry on?' And secondly 'whether the Government exercise control and supervision over the corporation?'

51. In this case, she argued that the 1st Respondent/Corporation is established to carry on the function which is exclusively to the privilege of the Central Government to carry on the same and further, it is admitted that only the Central Government shall exercise control and supervision over the said Corporation. Under such circumstances, the appropriate Government is the Central Government under section 2(a)(1) of Contract Labour (Regulation & Abolition) Act. Further, in the notification under section 6, the Central Govt. in exercise of powers conferred by Contract Labour (Regulation & Abolition) Act, 1970, appoints all the Assistant Labour Commissioners (Central) in the whole of India as registering officers to exercise of powers conferred on registering officers under the said Act. But, she argued that neither the 1st Respondent nor the 2nd Respondent has produced any document to show that they have obtained valid registration certificate and also licence from the appropriate authority namely Assistant Labour Commissioner (Central) for registering and also for licensing

under Contract Labour (Regulation & Abolition) Act. Learned counsel for the Petitioner further contended that the Contract Labour (Regulation & Abolition) Act is not applicable to 1st Respondent establishment as there are less than twenty workmen employed by the alleged contractor. She further argued that Section 1(4)(1) of the Contract Labour (Regulation & Abolition) Act stipulates that the Act will apply only to establishment in which twenty or more workmen are employed as contract labour. But the 2nd Respondent who was examined as MW2 has clearly stated that he has supplied only 9 to 15 persons to the 1st Respondent. Further, the official of the 1st Respondent admits that in Guindy branch the same section came into existence only in the year 1998 and therefore, there is no proof to show that the total number of contract employees under the 1st Respondent through 2nd Respondent was more than twenty persons. Hence, the Contract Labour (Regulation & Abolition) Act is not applicable to the Respondent establishment and these documents produced by the Respondent are created documents and no relevance can be placed upon them. For this, she has relied on rulings reported in 1999 (2) LLN 838 ASIA (Pvt.) Ltd. Bangalore & Others Vs. UNION OF INDIA AND OTHERS wherein the Karnataka High Court has held that "*in the State of Karnataka notification was issued applying the Act to every establishment and every contractor employing less than twenty workmen. But the High Court has stated that in such circumstances, the Govt. has to mention the establishment or contractor to whom provisions of Act are made applicable, though employing less than 20 workmen must be specified and such number of workmen which could be less than 20 to apply provisions of Act as special case must be fixed.*" But, though the learned counsel for the Petitioner contended that 1st Respondent establishment did not register their name as principal employer under Contract Labour (Regulation & Abolition) Act, MW2 who is the 2nd Respondent has stated that he has employed more than 60 to 70 employees and he has employed 30 to 40 workmen to the 1st Respondent/Management. Under such circumstances, I find there is no point in the contention of the learned counsel for the Petitioners.

52. Then the learned counsel for the Petitioner relied on the rulings reported in 1999 LAB IC 825 AEC CO. LTD. vs. ELECTRICITY MAJDOOR SABHA wherein the Gujarat High Court while considering 'whether the Contract Labour (Regulation & Abolition) Act is applicable to the facts of the said case, stating that "the contractor though changed, workmen working continuously for 365 days excepting Sundays and the work done by them found to be of perennial in nature and the material on record that the company and not the contractor had supervision and control over the work of workmen" had come to the conclusion that "*once the Industrial Court reaches to that conclusion, then the natural consequences will*

follow and the contract labour workmen would become labourers of the company. But merely because of the result of award, the workmen of contractors have become workmen of the company, it could not be said that the Industrial Court has abolished the contract labour system. What the Industrial Court has found is that there is no honest and genuine contract labour system. It is, therefore, the task of this Court to find out as to whether the Industrial Court was justified in reaching to the same conclusion." Relying on this decision, learned counsel for the Petitioner contended that though the Respondent has produced certain documents, these documents are sham and bogus and they are created only for the purpose to show that the contract was entered into, but they have not established that contract was genuine. It is established by the Petitioners that they were engaged by the 1st Respondent/Management even from the years 1984, 1985 and so on. Under such circumstances, these documents were created only to show that a contract was entered into but the actual control was with the 1st Respondent over the work of petitioners. Learned counsel for the Petitioner further relied on the rulings reported in 2002 II LLJ 79 INTERNATIONAL AIR CARGO WORKERS UNION Vs. INTERNATIONAL AIRPORT AUTHORITY OF INDIA, MADRAS AND OTHERS and argued that in a similar case, the Division Bench of the Madras High Court has come to the conclusion that the evidence produced by the Petitioner showing that they worked under the supervision and control of Airport authority and the Society acted only as intermediary between the workmen and airport authority and upheld the contention of the workmen. She further relied on the rulings reported in 1999 ILLJ 1086 SECRETARY, HARYANA STATE ELECTRICITY BOARD Vs. SURESH AND OTHERS wherein the Supreme Court has held that "the so called contractor was mere name lender and he had procured labour for the Board from the open market. He was almost a broker or an agent of the Board for that purpose. Once the Board was not a principal employer and the so called contractor was not a licensed contractor under the Act, the inevitable conclusion was that the so called contract system was a camouflage, smoke and a screen and disguised in almost a transparent veil which could easily be pierced and the real contractual relationship between the Board and the employee could be clearly visualised." Relying on these decisions, learned counsel for the Petitioner contended that though in this case, the Respondent have produced some of the agreements alleged to have been entered into between the 1st and 2nd Respondents, the said contract was camouflage, smoke and screen and this Tribunal has every power to enter into the same to come to a conclusion whether they are genuine contracts. In this case, the Petitioners have produced documents to show that 1st Respondent's officers alone had given instruction to them and they have worked under the 1st Respondent directly and they have produced documents to show that they are

trustworthy persons even to carry on samples to far off place namely New Delhi and other places. In these circumstances, it is clear that MW1 while answering in cross-examination has stated that the 1st Respondent officers will not give direction to workmen, when he was not worked there or as a supervisor. On the other hand, he has not given any reason how these Petitioners were given letters by the 1st Respondent officers to take samples from Chennai to far off places namely New Delhi and other places and he has also not stated how the Petitioners were paid allowances for the same without his knowledge. Further, when really the Petitioners were not under the control of 1st Respondent/Management, it is not clear for what reasons the officers of 1st Respondent has given conduct certificates and also other gate passes to Petitioners. These documents clearly establish that it is only the 1st Respondent who had employed all the Petitioners and documents are only sham and nominal created to show that there was a contract as alleged by them.

53. I find much force in the contention of the learned counsel for the Petitioner. Though the Respondent has produced documents to show that they have entered into contract between themselves and though the 2nd Respondent has produced certain documents to show that he has maintained attendance register, as I have already stated it is not proved whether this document was maintained by the 2nd Respondent, since the original document has not been produced before this Tribunal. The Petitioners have established that the so called contract system was a camouflage and the 2nd Respondent has acted almost a broker or agent for the 1st Respondent for that purpose. It is clear from the evidence of the Petitioners that they have worked under the 1st Respondent/Management for a long number of years and only to nullify their claim under labour legislations, the 1st Respondent has created the contract and though he produced the registration and licence alleged to have been obtained from the authorities, since the appropriate authority is only the Central Government for the 1st Respondent/Management and they have not obtained licence from the valid licensing authority, I find from these documents, this Tribunal cannot come to a conclusion that valid or genuine contract was entered into between the 1st and 2nd Respondent and as such, I find the Petitioners were under the control and supervision of the 1st Respondent/Management. Therefore, I find this point in favour of the Petitioners.

Pont No. 2 :—

The next point to be decided in this case is to what relief, the Petitioners are entitled?

54. In view of my foregoing findings that the Petitioners are entitled for reinstatements in service, I direct the 1st Respondent/Management to reinstate the Petitioners into service. But with regard to back wages, though they have asked back wages from the date of

disengagement, the Petitioners have not produced any evidence to show that they have not engaged subsequent to their termination. As pointed out by the learned counsel for the Respondent that since they have not established before this Court that they have not worked elsewhere during the period of their disengagement, I find the Petitioners are not entitled to back wages. Therefore, the 1st Respondent/Management is directed to reinstate the Petitioners into service without any back wages and the Petitioners are entitled to consequential benefits.

55. The references are answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th November, 2005.)

K. JAYARAMAN, Presiding Officer

Common Witnesses Examined :—

For the I Party/Petitioners : WW1 Sri K. Francis
WW2 Sri M. A. Kumaramani
WW3 Sri P. N. Mukesh
For the II Party/Management : MW1 Sri V. M. Kadar Ali
MW2 Sri M. Balaraman

Common Documents Marked :—

Fro the I Party/Petitioner:—

Ex.No. Date Description

W1 22-03-86 Xerox copy of the conduct certificate issued by Deputy Manager of 1st Respondent to Mr. K. Francis
W2 Nil Xerox copy of the photograph of Petitioner along with staff/officers of 1st Respondent Corporation
W3 Nil Xerox copy of the photograph of Petitioner along with Italian Buyer and Mr. Kadar Ali, Manager (Tech)
W4 Nil Xerox copy of the photograph of Petitioner working At sample section
W5 Nil Xerox copy of the photograph of Petitioner along with Assistant Manager (Tech) sample Section.
W6 16-10-85 To 31-10-87 Xerox copy of the attendance register
01-01-88 To 30-09-92
W7 22-03-96 Xerox copy of the gate pass taking out samples from office premises bearing No. 14187
W8 25-03-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14191

W9 30-03-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14194
W10 30-03-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14196
W11 30-03-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14270
W12 01-04-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14197
W13 20-05-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14288
W14 30-05-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14289
W15 05-06-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 18219
W16 10-06-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14222
W17 02-07-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 14236
W18 17-08-96 Xerox copy of the gate pass for taking out samples from office premises bearing No. 9657
W19 29-10-93 Xerox copy of the certificate issued by Deputy Manager of 1st Respondent
W20 18-02-94 Xerox copy of the letter from Kadar Ali to M/s. Expo Brush that samples sent along with Petitioner
W21 21-02-94 Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner
W22 22-02-94 Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner
W23 23-02-94 Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner
W24 03-03-94 Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner
W25 04-03-94 Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner

W26 07-03-94	Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner	W41 16-02-90	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner
W27 18-03-94	Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner	W42 06-06-90	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner
W28 21-03-94	Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner	W43 10-08-90	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner
W29 24-03-94	Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner	W44 07-09-90	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner
W30 25-03-94	Xerox copy of the letter from A. Geetha, AMM to Expo Brush for samples are sent along with Petitioner	W45 11-06-91	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner
W31 28-03-94	Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner	W46 27-11-91	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner
W32 30-03-94	Xerox copy of the letter from Kadar Ali to Expo Brush that samples are sent along with Petitioner	W47 16-07-91	Xerox copy of the letter to Bank of India authorising Petitioner to receive the credit card in favour of K. R. Bahl, General Manager of the 1st Respondent
W33 07-05-87	Xerox copy of the complaint by Mr. Lakshmanan, Deputy Manager of 1st Respondent Corporation.	W48 series	
W34 07-05-87	Xerox copy of the Complaint by Mr. Lakshmanan Former Dy. Manager (Tech) of 1st Respondent	16-10-85 To	
W35 05-10-87	Xerox copy of the conduct certificate issued by Mr. Kadar Ali, Dy. Manager (Tech) of 1st Respondent	31-10-87, Xerox copy of the attendance register	
W36 16-03-88	Xerox copy of the conduct certificate issued by Mr. N. Srikanthiah	1-1-88 To	
W37 20-06-88	Xerox copy of the conduct certificate issued by Sri N. Balabaskar, General Manager of Respondent	30-9-92	
W38 22-11-89	Xerox copy of the letter from Assistant Director, Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner	W49 Nil	Xerox copy of the photograph of staff officers in 1st Respondent corporation
W39 series	Xerox copy of the letter issued by	W50 Nil	Xerox copy of the photograph of Petitioner with Mr. Devarajan, Assistant Manager (Tech) sample Section
18-12-90	Marketing Manager Stating that Petitioner is proceeding to New Delhi With samples and statement showing details of Samples and train ticket	W51 series	
W40 9-12-89	Xerox copy of the letter from Assistant Director Ministry of Textiles to the General Manager of 1st Respondent stating that samples were handed over To Petitioner	1996	Xerox copy of the gate passes for taking out samples from office premises
		W52 Nil	Xerox copy of the photograph of Petitioner working Along with employees of 1st Respondent
		W53 06-10-86	Xerox copy of the appointment orders of P. N. Mukesh As a regular employee at sample section

W54	04-05-88	Xerox copy of the merit certificate issued to P. N. Mukesh by N. Balabaskar, General Manager of HHEC	M11	24-10-90	Xerox copy of the licence issued by Inspector of Factories.
W55	18-08-89	Xerox copy of the order directing P. N. Mukesh, Helper To continue to work in sample section	M12	01-03-90	Xerox copy of the certificate of registration issued by Dy. Chief Inspector of Factories III Division to 1st Respondent.
W56	01-01-87	Xerox copy of the seniority list	M13	29-11-97	Xerox copy of the failure of conciliation report sent by Assistant Commissioner of Labour (Central).
W57	01-01-88	Xerox copy of the seniority list	M14	26-11-97	Xerox copy of minutes of proceedings held on 26-11-97.
W58	01-01-89	Xerox copy of the seniority list	M15	29-01-98	Xerox copy of the letter from Ministry refusing to refer the dispute for adjudication.
W59	01-01-90	Xerox copy of the seniority list	M16	10-10-03	Xerox copy of the order passed by High Court in W. A. No. 1625 to 1630/2000.
W60	01-01-92	Xerox copy of the seniority list	M17	Nil	Xerox copy of the wage bill register vol. I showing details of wages received by Petitioners.
W61	01-01-95	Xerox copy of the seniority list	M18	Nil	Xerox copy of the wage register for the month of November, 1995.
W62	01-01-96	Xerox copy of the seniority list	M19	Nil	Xerox copy of the wage register for the month of November, 1995.
W63	06-10-98	Xerox copy of the charge memo issued to Mr. Mukesh for being unauthorised absent	M20	Nil	Xerox copy of the wage register for the month of December, 1995.
W64	Nil	Xerox copy of the photograph along with Employees of HHEC	M21	Nil	Xerox copy of the wage register for the month of December, 1995.
For the II Party/Management			M22	Nil	Xerox copy of the wage register for the month of January, 1996.
Ex No.	Date	Description	M23	Nil	Xerox copy of the wage register for the month of January, 1996.
M1	26-11-97	Xerox copy of signature of WW2 in the proceedings held on 26-11-97.	M24	Nil	Xerox copy of the wage register for the month of February, 1996.
M2	26-11-97	Xerox copy of the proceedings before Assistant Commissioner of Labour (Central).	M25	Nil	Xerox copy of the wage register for the month of February, 1996.
M3	01-01-93	Xerox copy of the contract entered into between 1st and 2nd Respondent.	M26	Nil	Xerox copy of the wage register for the month of March, 1996.
M4	01-01-94	Xerox copy of the contract entered into between 1st and 2nd Respondent.	M27	Nil	Xerox copy of the wage register for the month of March, 1996.
M5	31-12-94	Xerox copy of the contract entered into between 1st and 2nd Respondent.	M28	Nil	Xerox copy of the wage register for the month of April, 1996.
M6	31-12-95	Xerox copy of the contract entered into between 1st and 2nd Respondent.	M29	Nil	Xerox copy of the wage register for the month of April, 1996.
M7	25-04-97	Xerox copy of the letter from 1st Respondent to 2nd Respondent for extension of contract.	M30	Nil	Xerox copy of the wage register for the month of May, 1996.
M8	17-06-93	Xerox copy of the certificate of registration issued by Dy. Chief Inspector of Factories III Division.	M31	Nil	Xerox copy of the wage register for the month of May, 1996.
M9	01-02-95	Xerox copy of the payment made by 2nd Respondent for Ranewal of licence for labour contract.	M32	Nil	Xerox copy of the wage register for the month of June, 1996.
M10	06-01-92	Xerox copy of the agreement entered into by 1st Respondent with M/s. Up Date services.			

M33 Nil	Xerox copy of the wage register for the month of June, 1996	M56 Nil	Xerox copy of the wage register for the month of February, 1997
M34 Nil	Xerox copy of the wage register for the month of January to June, 1996	M57 Nil	Xerox copy of the wage register for the month of February, 1997
M35 Nil	Xerox copy of the wage register for the month of January to June, 1996	M58 Nil	Xerox copy of the wage register for the month of March, 1997
M36 Nil	Xerox copy of the wage register for the month of July, 1996	M59 Nil	Xerox copy of the wage register for the month of March, 1997
M37 Nil	Xerox copy of the wage register for the month of July, 1996	M60 Nil	Xerox copy of the wage register for the month of April, 1997
M38 Nil	Xerox copy of the wage register for the month of November, 1996	M61 Nil	Xerox copy of the wage register for the month of April, 1997
M39 Nil	Xerox copy of the wage register for the month of March, 1996	M62 Nil	Xerox copy of the wage register for the month of August, 1997
M40 Nil	Xerox copy of the wage register for the month of March, 1996	M63 Nil	Xerox copy of the wage register for the month of May, 1997
M41 Nil	Xerox copy of the wage register for the month of July, 1996	M64 Nil	Annual PF statement of Sri G. Ashok for the year 1997-98 Issued by Regional Provident Fund Commissioner Office
M42 Nil	Xerox copy of the wage bill register Vol. II and bonus' for 1995-96	M65 Nil	Annual PF statement of Sri G. Jayashankar for the year 1997-98 Issued by Regional Provident Fund Commissioner Office
M43 Nil	Xerox copy of the wage register for the month of August, 1996	M66 Nil	Annual PF statement of Sri Kumaramani for the year 1997-98 Issued by Regional Provident Fund Commissioner Office
M44 Nil	Xerox copy of the wage register for the month of August, 1996	M67 Nil	Annual PF statement of Sri A. Raju for the year 1997-98 Issued by Regional Provident Fund Commissioner Office
M45 Nil	Xerox copy of the wage register for the month of August, 1996	M68 Nil	Annual PF statement of Sri Balaiah for the year 1997-98 Issued by Regional Provident Fund Commissioner Office
M46 Nil	Xerox copy of the wage register for the month of September, 1996	M69 Nil	Annual PF statement of Sri K. Francis for the year 1997-98 Issued by Regional Provident Fund Commissioner Office
M47 Nil	Xerox copy of the wage register for the month of September, 1996	M70 25-1-05	Xerox copy of the lawyer notice issued to Regional PF Commissioner to issue certificate regarding EPF of Petitioners
M48 Nil	Xerox copy of the wage register for bonus for the year of 1995-1996	M71 Feb. 05	Reply given by Regional PF Commissioner for Ex. M70
M49 Nil	Xerox copy of the wage register for bonus for the year of 1995-1996	M72 29-3-93	Xerox copy of the licence issued by Deputy Chief Inspector of Factories III Division
M50 Nil	Xerox copy of the wage register for the month of October, 1996	M73 10-5-93	Xerox copy of the application for registration of Establishment employing contract labour
M51 Nil	Xerox copy of the wage register for the month of October, 1996	M74 26-11-97	Xerox copy of the proceedings before Assistant Labour Commissioner (Central)
M52 Nil	Xerox copy of the wage register for the month of November, 1996		
M53 Nil	Xerox copy of the wage register for the month of November, 1996		
M54 Nil	Xerox copy of the wage register for the month of January, 1997		
M55 Nil	Xerox copy of the wage register for the month of January, 1997		

नई दिल्ली, 6 मार्च, 2006

का. अ. 1250. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 86/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-42012/222/2004-आई आर (सी एम-II)]

पी. सी भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1250. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. (No. 86/2005) of the Central Government Industrial Tribunal -cum-Labour Court No. 2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CPWD, Central Public Works Department, and their workman, received by the Central Government on 6-3-2006.

[No. L-42012/222/2004-IR (CM-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, NEW DELHI**

PRESIDING OFFICER: R.N. RAI

ID No. 86/2005

In the Matter of:—

Shri Vijay Singh,
S/o. Shri Hari Chand,
Through Shri Ravi Shankar,
General Secretary Workers' Union,
167, Panchkuian Road,
New Delhi-110001

Versus

1. The Director General,
CPWD
Nirman Bhawan,
New Delhi-110001
2. Executive Engineer (Elect.), Elect. Constn Divn. II,
Central Public Works Department,
F Wing, Sena Bhawan,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/222/2004 IR (CM-II) Central Government Dt. 9-8-2005 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the demand of the Union in respect of regularization of workman Shri Vijay Singh, S/o. Shri Hari Chand in the establishment of CPWD is legal and Justified? If yes, to what relief the workman is entitled to and from which date?”

It transpires from perusal of the order sheet that notice was issued on 21-11-2005 for filing claim statement and again it was issued on 26-12-2005. No claim statement has been filed. None has turned up.

No dispute award is given.

Date 17-2-2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 6 मार्च, 2006

का. अ. 1251. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 87/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-2006 को प्राप्त हुआ था।

[सं. एल-42012/252/2004-आई आर (सी एम-II)]

पी. सी भारद्वाज, डेस्क अधिकारी

New Delhi, the 6th March, 2006

S.O. 1251.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 87/2005) of the Central Government Industrial Tribunal -cum-Labour Court No. 2, New Delhi now as shown in the Annexure in the Industrial Dispute between management of M/s. CPWD, Central Public Works Department, and their workman, received by the Central Government on 6-3-2006.

[No. L-42012/252/2004-IR (CM-II)]

P. C. BHARDWAJ, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, NEW DELHI**

PRESIDING OFFICER: R.N. RAI

ID No. 87/2005

In the Matter of:—

Shri Moorthja Ali,
S/o. Shri Akbar Ali,
Through Shri Ravi Shankar,
General Secretary Workers' Union,
167, Panchkuian Road,
New Delhi-110001

Versus

1. The Director General,
M/s. CPWD
Nirman Bhawan,
New Delhi-110001
2. Executive Engineer (Elect.), Elect. Constn Divn. II,
Central Public Works Department,
F Wing, Sena Bhawan,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/252/2004 IR (CM-II) Central Government Dt. 9-8-2005 has referred the following point for adjudication.

The points runs as hereunder :—

“Whether the demand of the Union in respect of regularization of workman Shri Moorthja Ali, S/o. Shri Akber Ali in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled to and from which date?”

It transpires from perusal of the order sheet that notice was issued on 21-11-2005 for filing claim statement and again it was issued on 26-12-2005. No claim statement has been filed. None has turned up.

No dispute award is given.

Date 17-2-2006. R.N. RAI, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1252. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निद्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, नई दिल्ली के पंचाट (संदर्भ संख्या 117/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/322/88-(डी-III ए)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2006

S.O. 1252. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. -117/88) of the Central Government Industrial Tribunal Labour Court-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 6-3-2006.

[No. L-12012/322/88-(D-III A)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

ID No. 117/88

Shri S.S. BAL, Presiding Officer

In the Matter of dispute between:—

Shri N.K. Sharma, Teller through
The Genral Secretary,
State Bank of India Staff Congress,
H.No. 41, Mohalla Brahmna,
Pinjore.

workman

Versus

The Deputy General Manager,
State Bank of India,
Chandigarh

...Management

APPEARANCES

Workman in person.

Sh. V. K. Sharma Manager/
Law for the management.

AWARD

The Central Government in the Ministry of Labour Vide its Order No. -L-22012/322/88-D.III (A) dated 16-08-88 has referred the following industrial dispute to this tribunal for adjudication:

“Whether the action of State Bank of India, Regional Office, Haryana and U.T. in transferring Shri N.K. Sharma, Teller at their Sector-7 branch to Patoda (Haryana) is legal and justified. If not, to what relief is the concerned workman entitled?”

2. Brief facts of the case are that claimant Shri N.K. Sharma joined services as Cashier at Balia Branch of respondent bank in 1976. From there he was transferred to Industrial Estate-Chandigarh Branch and subsequently to Sector-23, Chandigarh Branch and thereafter he was promoted to the post of Teller and posted at Sector-VII Madhya Marg, Chandigarh Branch in the month of February, 1986. It is also stated that the claimant indulged in Trade Union activities and joined S.B.I. Staff Congress in the year 1984 which association is not recognised by the bank and it was objected to by the bank and Due to this, President, General Secretary and other principal office bearers locally in Chandigarh were transferred. Initially applicant was even ignored for promotion despite his name was there in the seniority list. He was promoted only after his representation to the Regional Manager. It is further stated that the claimant/workman Shri N.K. Sharma was charge-sheeted by the management and also harassed by the bank in the month of May, 1986 as he represented the case of one Muneshwar and he was sought to be transferred but could not transferred due to strike notice of the Union. Management decided to transfer workman despite the pendency of the enquiry proceedings against him and he could not be transferred being the Deputy General Manager of the Trade Union without requisite notice in terms of para 535 of Sastry Award. The management also closed second counter at the Chaandigarh Branch Sector-VII with a view to harass the workman as the same resulted in creating over loading of work and creating unnecessary public inconvenience and complaints. The management was also unhappy on account of the progress made by the claimant as the membership of staff congress considerably increased to 50 per cent. That the transfer policy in the bank is regulated by Sastry Tribunal, read with subsequent decisions of the Joint Consultation Committees held at Circle level and also Central Office level. It is further stated that the workman was given/served with a sealed envelope on 5th of March, 1986 which when opened was found empty and later or it was revealed that empty envelope contained a transfer order when call for strike was given by the Association because there was no exigency or expediency for his transfer as claimed by the management during conciliation proceedings. It is also stated that the workman was never given relieving chit nor any confirmation was sought from the employee in regard to transfer at the transferee branch. Workman was on leave on 7th March, 88 when he reported for duty on 8-3-88 and a note was given on attendance register that he has been transferred to Pataudi. It is further stated that there is no branch at Pataudi. There was no post of Teller vacant at

Pataudi or Patauda as number of vouchers as admitted by the management during the conciliation proceedings is between 15 to 20 whereas the required number for appointment of Teller is between 100-150. The transfer of the workman is liable to be set aside on the following grounds:—

- i) The workman had not been relieved; as such the transfer order is not said to have been affected till date.
- ii) The mandatory provisions of para 535 of Sastry Award have been violated since no notice was given as is required in that para.
- iii) The transfer is violative of the transfer policy as laid down in the 15th Joint Consultation Committee Meeting's decision in regard to the transfer of a workman from one branch to another.
- iv) That Teller which is in cadre promotion, cannot be subjected to transfer outside the City where he has been promoted as per the seniority of that place.
- v) Since the disciplinary proceedings were in progress against the workman, the transfer was aimed at not providing a proper opportunity to the workman for defence in the departmental enquiry.
- vi) There was no exigency or expediency of service and the impugned transfer is clearly a colourable exercise of power with a view to effect the Trade Union functioning of State Bank of India Staff Congress.
- vii) That the transfer in the instant case is an act of unfair labour practice as defined in Vth Schedule attached to I.D. Act 1947 at item No. 1 and 7.

3. Hence it is prayed that the transfer of the workman be declared as unjustified, illegal, malafide, an act of victimisation, unfair labour practice and colourable exercise of power and the same be cancelled and the reference be answered in favour of the workman.

4. The case has been contested by the management S.B.I. by filing written statement raising preliminary objections inter alia that the present dispute does not fall within the definition of the term 'Industrial Dispute' that S.B.I. Staff Congress is not duly recognised Association as the said association does not have a reasonable number of membership; that the concerned association has not passed any resolution in favour of any body to espouse cause of the applicant or affected under law and banks policy. He was transferred after he has served the bank in Chandigarh for more than 5 years. Shri. J.G. Verma as General Secretary of the S.B.I. Bank cannot represent cause of the claimant/workman as he is to appear as a witness in this case; that there is no cause of action in favour of the workman as the transfer is due to administrative exigencies and is in accordance with law no industrial dispute has arisen.

5. On merits it is stated that the dispute was referred to this court for adjudication. Facts pertaining to

appointment/joining the service of the bank by the applicant at Balia branch thereafter his transfers to Industrial Estate of Chandigarh Branch and subsequently his posting to the post of Teller at Sector 23 Chandigarh branch are admitted. It is denied that the workman was taking active part in different trade union activities as State Bank of India Staff Congress is not recognised Union/Association or that he made correspondence to the association or that the workman and the other office bearers of the said association were transferred or he was initially ignored for promotion or appointment to the post of Teller as stated. The other facts of the claim statement are denied. It is denied that there has been any violation of para 517 of the Sastry Award or provisions of fourth Bi-partite Settlement or that the workman was charge sheeted for having represented workman Munishwer. However, he was charge sheeted in the month of May, 86 and enquiry in that case has since been completed. It is incorrect that the workman N.K. Sharma was charge-sheeted & victimized for having represented case of Munishwer. There is no cause of action. The workman has been transferred on account of administrative exigencies and para 533 of the Sastry Award does not apply to the case in hand because it applies to the case of President, Vice President and Secretary of the registered Bank Employees Union and not to the petitioner since he is Dy. General Secretary and that too of minority Union which is not recognised Union. It is further stated that extra counter of Teller is provided in Sector-7 branch from 1st of the month to 10th of the month as these are the dates on which there is extra rush. After 10th day of the month only one teller counter is in operation. This is the practice which was current/(prevalent) when the workman was working in Sector-7 branch and is being followed even now. Hence his allegation that the counter was closed to the create more work for him is incorrect. It is denied that the respondent management was aggrieved on account of increase in the membership of workmen association. It is denied that the claim has been transferred only with a view/motive to deprive him of the proper opportunity for his defence. It is also denied that he was (claimant) was served with empty envelope in fact he was served with the transfer order on that date and the story put form in this regard is incorrect transfer order is legal and justified.

6. Written statement was followed by replication. The facts mentioned in the written statement were denied and contents of the claim-statement were reiterated to be correct.

7. Thereafter evidence of the parties was recorded.

8. Workman examined himself as WW1 and closed his evidence and management examined Shri Tara Chand in defence as MW1 and closed its evidence. After closure of evidence arguments were addressed, by the workman himself and Shri V.K. Sharma A/R for management addressed arguments.

9. I have given my thoughtful consideration to the contentions raised by either side. It cannot be gain-said that any organization/establishment is competent to transfer its employee for exigencies of service and for administrative convenience. However, the transfer of the employee cannot

be resorted to for malafide reasons. i.e. to say an employee cannot be transferred out of malice in order to victimise him. Respondent as such is within its right to transfer the employee. Now it is to be seen if the transfer order of the employee Shri N.K. Sharma from Chandigarh Sector 23 branch to Patauda branch of the bank suffers from any malafide or is in violation of the agreements etc. pertaining to transfer. The claimant has impugned his transfer order as illegal on the seven grounds as referred above in the claim statement.

10. The following question arise for consideration in this case :

1. Whether the workman can be represented through General Secretary of the State Bank of India Staff Congress?
2. Whether the transfer order of the workman has been passed for administrative exigency and convenience or the same is the result of malafide on the part of the respondent i.e. to say that the same has been passed with a view to victimise the workman.
3. As in terms of reference.

11. **Issue No. 1.**—Claim-statement in the instant case has been filed by Shri J.G. Verma, General Secretary on behalf of the State Bank of India Staff Congress and N.K. Sharma workman. It is not disputed that Shri J.G. Verma is the General Secretary of the State Bank of India Staff Congress. It is only stated that the said Union is not recognised. To my mind a dispute can be raised through group of persons or and J.G. Verma being the General Secretary is competent to represent the claimant. Even otherwise the claimant N.K. Sharma himself party to the case signed the claim statement. Therefore, there is no legal hindrance in representation of his case through J.G. Verma General Secretary. This issue No. 1 is decided accordingly.

12. **Issue No. 2.**—Transfer order has been impugned as illegal, malafide having been made with a view to victimise the claimant workman and has been assailed on the 7 grounds as mentioned herein before :—

Now I deal the above referred seven grounds one by one as under :

13. Firstly the workman has claimed that he has not been relieved as such the order is not effected till date and the order cannot be given effect now but this cannot be a ground to claim that the order has become in-effective or illegal. This plea of the workman is not tenable in the eye of law for the reason as the order was challenged in the court and matter went to the High Court and which took a considerable long time and could not be determined till now and for this delay the respondent cannot be held responsible not the impugned transfer order can be held as in-effective as claimed.

14. Secondly workman claims that provisions of section 535 of the Sastry Award has not been followed as no notice has been given to him as required in para 535 of the Sastry Award. A perusal of para 535 of the Sastry Award shows that notice of transfer is required to be given to the employee, if the employee to be transferred happens to be either President, or Vice President or Secretary of the

recognised Union. In the instant case the provisions of para 535 are not applicable as the workman/claimant Shri N.K. Sharma was neither President or not Vice President or Secretary of the Employees Recognised Employees Union or Association. On the contrary he is only Deputy Secretary and that too of a Unrecognised Union/ Association.

- (i) His plea that he was not given/served with transfer order but was only given an empty registered envelope appears to be false in view of the statement of Tara Chand that the transfer notice has been given to the workman. In view of the statement of Tara Chand who claims to have personally delivered the transfer order to the workman, I have no reason to disbelieve his statement. Even otherwise I fail to understand that why the management should hand over empty envelope to the workman. Thus I am of the view that the transfer order was duly served upon the workman.

15. As regards third point it may be pointed out that the Joint Consultative Policy laid down in the Joint Consultative Committee Meeting pertaining to transfer covers only President, Secretary and Vice President and is not applicable to the employee/workman he being only Deputy Secretary.

16. In respect of the 4th plea it may be stated that the workman is a senior and experienced person and the branch of the bank was newly opened in rural area at Patoda in Haryana and he being transferred to the branch of Patoda his transfer thus cannot be said to suffer from any infirmity. It may be pointed out that in terms of the above said policy an experienced employee can be transferred as per clause II of the decision taken in the 15th Meeting. The workman herein is an experienced person having a long experiences of service as Teller and the Patoda branch was a new one in the rural area in Haryana. As such his transfer to the said branch is in conformity with clause-B of the said policy (decision) of the 15th meeting dated 24-9-75 of circle Joint Consultative Committee which is reproduced as under :—

“It was agreed in the 15th meeting of the Circle Joint Consultative Committee held on the 24th September, 1975 that, save for special cases warranted by administrative exigencies, transfers from branches with surplus staff to branches where vacancies exist may generally be effected on the following basis :—

- (a) Those who are willing and if there is no willing employee, then the junior most employee may be transferred.
- (b) Where the needs of a branch are such that an experienced employee is required, say for opening of a new branch or for a branch which requires senior employees and does not have an employee with at least three years service, the junior-most employee with three years service, or more may be transferred.
- (c) If there are employees with the same length of service, the procedure which is followed for entrusting officiating powers in similar circumstances should be followed. The person who is junior-most, in terms of the principle laid

down for determining seniority for the purpose of officiating in respect of employees of same seniority will be the person who will be transferred."

17. With regard to the Vth plea it may be stated that according to the respondent the departmental proceedings against the workman have already been completed and thus the question of depriving him of proper opportunity does not arise. Even otherwise workman can take leave to appear and defend himself at any place where departmental proceedings against him are held. This cannot be a ground to install the transfer order.

18. With regard to sixth plea it may be pointed out that the Bank at Patoda is a new bank and an experienced person is required to be transferred. As such it cannot be said that there was no exigencies or convenience of service to effect the transfer. It is obligation of the respondent being employer to assess exigency and expediency of service to effect the transfer of its employee to get work from him efficiently. Thus transfer cannot be said to be colourable exercise. It is not beside the point to mention herein the said union which the respondent claims to represent, as Deputy Secretary is not recognised union.

19. Lastly, the transfer in the instant case cannot be termed as a unfair labour practice as claimed. Transfer has been effected on account of exigencies and expediency of service as Teller at a newly opened branch of respondent at Patoda.

20. In view of the above discussion I am of the opinion that the action of the respondent State Bank of India in transferring Shri N.K. Sharma, Teller from Sector VII Branch to Patoda, Haryana is legal and justified and does not suffer from any infirmity and the reference is answered accordingly. File be consigned to record room.

S.S. BAL, Presiding Officer

Dated : 10-12-2005

नई दिल्ली, 7 मार्च, 2006

का. आ. 1253.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 185/04 ओल्ड (आईटीसी)/ 93/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[सं. एल-41012/66/98-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2006

S.O. 1253.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 185/04, Old (ITC) No. 93/1999) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 6-3-2006.

[No. L-41012/66/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi (B. SC. L. L. M.), Presiding Officer

Industrial Dispute (Reference C. G. I. T. A.) No. 185/04

OLD (I. T. C.) No. 93/1999

1. Western Railway,
The General Manager, Western Railway Head Quarter,
Building, Churchgate,
Mumbai-400001

2. The Divisional Railway Manager,
Western Railway, Divisional Office,
Kothi Compound, Rajkot (Gujarat) ...First Party

V/s.

The Divisional Secretary,
Paschim Railway karam chari Parishad,
E/209, Sarvottam Nagar, Nr. New Railway Colony,
Sabarmati Ahmedabad-380 001. ...Second Party

APPEARANCE

First Party : Shri H. B. Shah

Second Party : Shri B. K. Sharma

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/66/98/IR (B-I) dated 18-03-1999 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of Railway Administration in imposing the penalty of withholding promotion for one year when due on Shri A. V. Solanki vide letter No. E/Con/161/95/A/35 dated 15-03-1996 and imposing lesser punishment on Shri Mohan Das for the same offence is legal and justified? If not to what relief the concerned employee is entitled to?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 01/07/1999. The second party has filed the statement of claim by Ex. 8. The second party has submitted an authority to represent the second party. By Ex. 14 the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the fact of Ex. 14, the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following order :

ORDER

Application Ex. 14. is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No. order as to cost.

Dated : 22-08-05

Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1254.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट [संदर्भ संख्या 233/2004 ओल्ड (आई टी सी) 164/99] को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[सं. एल-41012/223/99-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 7th March, 2006

S.O. 1254.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [233/04 old (I.T.C.) No. 164/1999] of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 06-03-2006.

[No. L-41012/233/99-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT AHMEDABAD

PRESENT:

Shri B.I. Kazi (B.Sc., LL.M.), Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 233/04

OLD (I.T.C.) No. 164/1999

The Divisional Railway Manager,
Western Railway, Divisional Office,
Kothi Compound, Rajkot (Gujarat) ... First Party

V/s.

The Divisional Secretary,
Paschim Railway Karamchari Parishad,
E/209, Sarvottam Nagar,
Nr. New Railway Colony,
Sabarmati, Ahmedabad-380 001. ... Second Party

APPEARANCE:

First Party : Shri H.B. Shah

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/223/99 IR (B-I) dated 24/11/1999 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Divisional Railway Manager, Western Railway, Rajkot not to give appointment on compassionate ground to Shri Shankerji Rewaji adopted son of Late Shri Rewaji Ratuji, Khalasi, is just, valid and legal? If not to what relief he is entitled to and what directions are necessary in the matter?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 20-12-99. The date to file the statement of claim was 07-02-2000. The appropriate Government has also directed the second party who raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 5 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in dispute. Thus the second party has failed to prove his case.

Looking to the above observation I hereby pass the following order :

ORDER

The action of the management of Divisional Railway Manager, Western Railway, Rajkot in not giving an appointment on compassionate ground to Shri Shankerji Rewaji is just, valid and legal. The workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date: 22-08-05
Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1255.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट [संदर्भ संख्या 455/2004 ओल्ड (आई टी सी) 4/2002] को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[सं. एल-12011/44/2001-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 7th March, 2006

S.O. 1255.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [455/041 old (I.T.C.) No. 4/2002] of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 06-03-2006.

[No. L-12011/44/2001-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I. Kazi (B.Sc., L.L.M.), Presiding Officer
Industrial Dispute (Reference C.G.I.T.A.) No. 455/04

OLD (I.T.C.) No. 4/2002

The Chief General Manager,
State Bank of India,
L.H.O. Bhadra,
Ahmedabad (Gujarat) 380 001 ... First Party

V/s.

Shri Vinod J. Solanki and 12 others,
C/o N.U. Bhatt Advocate,
B-201 Sardar Patel Chambers,
Vasant Chowk Bhadra,
Ahmedabad (Gujarat) 380 001 ... Second Party

APPEARANCE:

First Party : Shri K. K. Oza
Shri B. K. Oza

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12011/44/2001 IR (B-I) dated 08-01-2001 to this Tribunal for adjudication. The terms of reference is as under :

SCHEDULE

“Whether the action of the management of State Bank of India, is justified in terminating the services of Shri Vinod K. Solanki and 12 others whose particulars are given in the list instead of regularizing their services? If not what relief these workmen concerned are entitled?”

2. The second party was issued a notice to file the statement of claim by this Tribunal on 06-02-02. The date to file the statement of claim was 21-03-02. The appropriate Government has also directed the second party who raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 3 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in dispute. Thus the second party has failed to prove the case.

Looking to the above observation I hereby pass the following order :

ORDER

The action of the management of State Bank of India, in terminating the services of Shri Vinod K. Solanki and others is just. The workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 22-08-05
Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1256.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 90/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/231/2004-आई. आर. (सी एम-II)]
पी.सी. भारद्वाज, डैस्क अधिकारी

New Delhi, the 7th March, 2006

S.O. 1256.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/2005) of the Central Government Industrial Tribunal/Labour Court No. 2, New Delhi now as shown in the Annexure, in the Industrial dispute between the management of M/s. CPWD, Central Public Works Department and their workman, which was received by the Central Government on 07-03-2006.

[No. L-42012/231/2004-IR (CM-II)]
P. C. BHARDWAJ, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI****LD. No. 90/2005****R.N. Rai, Presiding Officer****In the Matter of :**

Shri Jagdish Singh,
S/o Shri Raj Pal Singh,
Through Shri Ravi Shankar,
General Secretary Workers' Union,
167, Panchkuian Road,
New Delhi-110 001.

Versus

1. The Director General,
M/s. CPWD,
Nirman Bhawan,
New Delhi-110 001
2. Executive Engineer (Elect.),
Elect Constn Divn, II,
Central Public Works Department,
F Wing, Sena Bhawan,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/231/2004 IR (CM-II) Central Government dt. 09-08-2005 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the demand of the Workers' Union for regularization of workman Shri Jagdish Singh S/o Shri Raj Pal Singh in the establishment of CPWD is legal and justified ? If yes, to what relief the workman is entitled and from which date."

It transpires from perusal of the order sheet that notice was issued on 21-11-2005 for filing claim statement and again it was issued on 26-12-2005. No claim statement has been filed. None has turned up.

No dispute award is given.

Date: 17-02-2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1257.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 221/94)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/242/94-आई. आर. (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 7th March, 2006

S.O. 1257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 221/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure, in the Industrial Dispute between the employers in relation to the Management of Union Bank of India, and their workman, which was received by the Central Government on 06-03-2006.

[No. L-12012/242/94-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****No. CGIT/LC/R/221/94****Shri C.M. Singh, Presiding Officer**

Shri P.S.L. Shrivastava,
S/o Shri Narayanlal,
C/o Indu Bhavan,
Gandhi Nagar, Kotha,
Distt. Sidhi (MP)

... Workman

Versus

Chief Manager,
Union Bank of India,
Zonal Office, Gangotri Complex,
T.T. Nagar, Bhopal

... Management

AWARD

Passed on this 23rd day of February 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/242/94-IR(B-II) dated 21-28/11/94 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the Management of Union Bank of India, Bhopal in dismissing Shri P.S.L. Shrivastava, Head Cashier from service w.e.f. 16-8-1993 is legal and justified ? If not, what relief is the said workman entitled to ?"

2. The case of workman Shri P.S.L. Shrivastava, in brief, is as follows. That he was employed as Head Cashier

since April 1978 at Kuchai Branch, Sidhi of Union Bank of India. He was initially appointed as peon w.e.f. 12-9-66 and subsequently was promoted as cashier w.e.f. Jan-1977. He was again promoted in April 1978 as Head Cashier. On 26-2-93, a charge-sheet was issued to him wherein some false and fabricated allegations were made against him. It has been averred by the workman that an attempt was made to make the scape goat to save the skin of Shri B.C. Tiwari, the then Branch Manager of the Branch. The workman denied the charges, a departmental enquiry was instituted against him and Shri Ravindra Raj, Manager (Industrial Relations), Central Office was appointed as Enquiry Officer. It has been further averred by the workman that his Disciplinary Authority was Assistant General Manager. During the course of departmental enquiry, keeping in view the complicated nature of charge-sheet, the workman asked for supply of some material documents so that he may be able to effectively defend the case but the copies of those documents were not made available to him. As a result thereof he was deprived of reasonable opportunity of defending himself which is against the principle of natural justice. The departmental enquiry against the workman began on 9-6-93 and 10-6-93. The workman prayed for time for engaging the defence counsel as provided under the provisions of Shastri Award. The enquiry was therefore adjourned to 28-6-93. On this date, the workman could not attend the enquiry due to sudden sickness, information whereof along with medical certificate was sent to Regional Office in due time. But the adjournment was disallowed and the management's witnesses were examined in the absence of the workman. The further proceedings of the enquiry were conducted on 27-7-93 and 28-7-93. The workman was not permitted to call his witnesses and the Enquiry Officer submitted his findings on 2-8-93 wherein he found the workman guilty of charges. Thereafter on 13-8-93, a personal hearing was given to the workman and on 16-8-93, order of penalty was passed by the Disciplinary Authority Shri Ravindra Raj without giving him any opportunity to show-cause against the findings of the Enquiry Officer. The Enquiry Officer is not the disciplinary authority. He illegally directed for the punishment. That during the pendency of a criminal case, holding of departmental enquiry is also bad in law. On the basis of report, the workman was arrested by the police. The same matter was the subject matter of the criminal proceedings as well as police investigation and as long as it is not finalised, holding of departmental enquiry would be prejudicial to the workman's defence in the criminal case. Department's witness Shri Tiwari, the then Branch Manager was never made available to the workman for cross-examination. This resulted into a great prejudice to the workman. The witnesses who were examined by the Bank were in fact cross-examined by the management's representative which is improper and legal. Apart from the above, two punishments have been imposed by Shri Ravindra Raj on the workman. It is a well settled principal

of law that two punishments, one major and another minor cannot be imposed simultaneously. The punishment of warning was passed along with the punishment of dismissal. The warning would have no meaning if the order of punishments of dismissal is passed. The order of punishment is, therefore, illegal. In view of the facts and circumstances, the punishment imposed on the workman is extremely harsh, inadequate and disproportionate and therefore his dismissal order is liable to be set-aside.

3. The management contested the reference and filed their Written Statement. The case of the management, in brief, is as follows. It has been admitted by the management that the workman Shri P.S.L. Shrivastava was working as Head Cashier(C)/clerk at Kuchwahi branch since April 1988. It has been pleaded that prior to that he was working as a peon since 12-9-66 and was promoted as clerk w.e.f. 1-1-78. He was issued with a charge-sheet dated 26-2-93. The charge-sheet was issued to him because during his tenure as Head Cashier at Kuchwahi branch, he committed a fraud of Rs. 2,52,996 in various SB accounts and cumulative deposit accounts. He had in fact packeted the money deposited by customers in their respective accounts. Workman Shri Shrivastava misused the cheque purchase facility available to the employees. Apart from this, various other acts of commission and omission were done by him because of which the aforesaid charge-sheet containing the details of the allegations against him was issued. The charge-sheet was issued by the competent disciplinary authority i.e. the Chief Manager, Industrial Relations department. As his reply to the charges was not found satisfactory, a detailed departmental enquiry was ordered and by order dated 5-3-93, Shri Ravindra Raj was appointed as Enquiry Officer to conduct a detailed departmental enquiry. The Enquiry Officer after due notice of enquiry commenced the enquiry on 9-6-93 and subsequently the enquiry proceedings were held on 10-6-93, 28-6-03 to 30-6-03 and again on 27th and 28th July 1993. During the enquiry, the case of the management was presented by Shri Anil Kumar Pujara, Personal Officer while Shri Shrivastava defended himself in the first sitting of the enquiry. On first sitting of the enquiry, workman appeared and admitted that he had received charge-sheet cum statement of allegations and he had understood the same. He requested for adjournment on the ground that his defence representative wants time for studying and preparing the case. The Enquiry was, therefore, adjourned to 28-6-93. On 28-6-93, the workman Shri Shrivastava did report for the enquiry at the scheduled time nor did he sent any information. The Enquiry Officer adjourned the enquiry upto 2.45 PM awaiting the arrival of the workman or any information from him. Even at 2.45 PM, no information was received from the workman but the management's representative informed around 12 noon that a representation dated 28-6-93 was received from the workman along with medical certificate requesting for adjournment. The management's representative submitted

that it was nothing but delaying tactics and the workman was avoiding to participate in the enquiry. He objected to the Enquiry being adjourned without bonafide reasons. That medical certificate etc. produced are not genuine. The management's representative further submitted that exparte evidence of the management's witnesses may be recorded and opportunity be given to the defence to cross-examine their witnesses. Considering the totality of the facts and circumstances, the Enquiry Officer ordered to commence the recording of evidence of management's witnesses and it was decided that the witnesses may be cross-examined at a later stage. Immediately thereafter, the management's representative produced 3 witnesses on that date. Their statements were recorded and continued on the next date i.e. on 29-6-93 and 30-6-93 and also. After the 3 witnesses were examined, their statements were concluded on 30-6-93 and the management's representative closed the case and stated that he has no further evidence to offer. The Enquiry Officer thereafter in the interest of justice and with a view to give one more opportunity to workman Shri Shrivastava to submit his reply, adjourned the enquiry with a direction to send separate notice to Shri Shrivastava along with copies of the proceedings of 3 days i.e. from 28-6-93 to 30-6-93 along with exhibits and other documents to enable the workman Shri Shrivastava to appear and cross-examine the witnesses and further participate in the enquiry. The next date of enquiry was fixed on 27-7-93. On this date, the workman appeared in the enquiry and submitted that he has no Defence Representative and that he will defend his case himself. He cross-examined Shri B. Suryanarayan and Shri Lalit Sinha. On the next date of enquiry i.e. on 28-7-93, the workman cross-examined third witness Shri P.K. Tripathi. The workman stated that he wants to give his defence statement. He was also given an opportunity to produce evidence in defence. Workman Shri Shrivastava requested that his representation dated 28-6-93 addressed to the Enquiry Officer and the Disciplinary Authority may be taken on record as his defence statement. The same was taken on record. Thereafter workman Shri Shrivastava examined himself as a witness. He was thereafter cross-examined and thereafter the workman submitted that he does not have any witness or documents to produce and therefore the evidence on behalf of both the sides was closed. Based on evidence produced before him, the Enquiry Officer gave his findings on 2-8-93 holding the workman guilty of the charges levelled against him. The Disciplinary Authority after giving opportunity of hearing to the workman finally imposed the punishment of dismissal from service on him w.e.f. 16-8-93. And in this manner the departmental enquiry was legally and properly conducted. It has been pleaded on behalf of management that an employee like the workman who has committed such a serious misconduct is not a fit person to be retained in service of the Bank and the punishment awarded to him is therefore just and proper and no interference is called for. It has been further pleaded by the management that

Shri B.C. Tiwari was never presented as management's witness in the enquiry and consequently as per procedure of the domestic enquiry, there arises no question of allowing the workman to cross-examine him as claimed by him. There is no illegality in the punishment awarded by the Enquiry Officer as Disciplinary Authority as such the request of the applicant for setting aside the penalty is not just and should not be acceded to, under any circumstances whatsoever.

4. It appears from the record of this reference that the management examined Shri Ravindra Raj, the then Retired Chief Manager (P), Union Bank of India, New Delhi and workman Shri P.S.L. Shrivastava examined himself on the preliminary point regarding the validity of departmental enquiry conducted against the workman.

5. The order sheet dated 8-8-01 reveals that my learned predecessor in office after having heard Shri Paul, Advocate and Shri Vijay Tripathi, Advocate for workman and Shri A.K. Shashi, Advocate for management and after having considered the evidence of both the parties on record recorded his findings on the preliminary issue as follows :

"....., It is held that the Departmental Enquiry conducted against the workman is just and proper. The management is not required to lead evidence to prove the alleged misconduct of the workman in the instant case....."

6. I have heard Shri Vijay Tripathi, Advocate for workman and Shri A. K. Shashi, Advocate for management on the point of punishment awarded to the workman. I have very carefully gone through the entire evidence on record. It has been submitted by the learned counsel for the workman that his dismissal from service is not justified and he should be awarded lesser punishment in lieu of dismissal. Against the above the learned counsel for the management submitted that it is not a fit case in which this tribunal should exercise its jurisdiction under Section 11-A of the I.D. Act 1947 for awarding lesser punishment than the dismissal of workman from service.

7. It has been submitted by the learned counsel for the workman that regarding the charges which is subject matter of dispute a criminal case was instituted against the workman in which he has been acquitted by the appellate court and therefore his dismissal from service is not valid and he should be reinstated in the service of the management. Against the above, the learned counsel for the management submitted that mere acquittal does not automatically give right to be reinstated in service. In this respect he placed reliance on (1997) 4 Supreme Court Cases 385 in the case of Union of India and another versus Bihari Lal Sidhana. The following has been held in the law cited above :

"Mere acquittal does not automatically give right to be reinstated in service. It is open to the appropriate competent authority to take a decision whether the

delinquent government servant can be taken into service or disciplinary action should be taken under the relevant disciplinary or temporary service rules."

8. In the case at hand, the Disciplinary Authority after having considered serious misconduct of the workman has awarded him the punishment of dismissal. In view of the law cited above, I am of the considered opinion that mere acquittal of the workman in the criminal case for the charges involved in the dispute does not automatically give right to him of being reinstated in service.

9. The learned counsel for the workman further submitted that the finding of the Enquiry Officer is perverse and therefore the workman should be reinstated from services at the most without back wages. Against the above, the learned counsel for the management submitted that it is well settled law that it is for the management to determine what constitutes a serious misconduct within the standing orders sufficient to merit a dismissal and this tribunal should not exercise its jurisdiction for awarding lesser punishment to the workman than his dismissal from service. In this respect, the learned counsel for the management placed reliance on 1966(2) LLJ-416 in the case of Caltex (India) Ltd., Ernakulam (by A.P. Vargis, Cochin Terminal Superintendent) and Labour Court, Quilon and others. The following has been held therein :

"Held it is well-settled that it is for the management to determine what constitutes a major misconduct within the standing orders sufficient to merit a dismissal and if after a domestic enquiry, a workman is dismissed, that dismissal cannot be set aside by a labour court, unless that Court finds that the dismissal was without good faith or as a result of intimation or unfair labour practice or that the procedure adopted is against rules of natural justice and lastly when on the materials the finding is completely baseless and perverse.

In view of the law cited above, I am of the considered opinion that it is not a fit case in which lesser punishment than dismissal from service of the workman be awarded. I do not find any reason for interference with the punishment awarded by the competent authority to the workman.

10. In view of the findings recorded above, it is hereby held that the action of the management of Union Bank of India, Bhopal in dismissing Shri P.S.L. Shrivastava, Head Cashier from service w.e.f. 16-8-93 is legal and justified and he is not entitled to any relief. The reference order is answered accordingly in favour of the management and against the workman. Considering the circumstances of the case, I am of the view that the parties shall bear their own costs of this reference.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 181/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[फा. सं. एल-12012/130/92-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th March, 2006

S.O. 1258.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 181/92) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 06-03-2006.

[F No. L-12012/130/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/181/92

Shri C.M. Singh, Presiding Officer

Shri Faruque Ahmed,
S/o Shri Saiyyad Zail,
Church Road, Ahir Mohalla,
31 Matin House
(Vayur Miya Tehsildar Ki Bagia),
Jahangirabad,
Bhopal-462001

... Workman.

Versus

The Zonal Manager,
Central Bank of India,
Shikharwarta Building,
Press Complex, Habibganj,
Maharana Pratap Nagar,
Bhopal.

... Management

AWARD

Passed on this 17th day of February 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/130/92-IR(B-II) dated 28-8-92

has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Central Bank of India, Bhopal (MP) in terminating the services of Shri Faraque Ahmed S/o Shri Saiyyed Zalil, Driver after 1-1-90 is justified ? If not, what relief the workman is entitled to ?”

2. The case of workman Shri Faraque Ahmed in brief is as follows. That he was appointed as Driver in the management's Rural Development Institute situated at Plot No. 131/1, Zone-II, Maharana Pratap Nagar, Bhopal w.e.f. 1-3-89 and worked throughout satisfactorily and continuously since the date of his appointment. He was being paid monthly salary of Rs. 840. Since the workman made request for making him regular driver, as such the Principal of management's Rural Development Institute, Bhopal discontinued him w.e.f. 1-1-90 malafidely to avoid status of a regular driver acquired by the workman by completing 240 days within 12 calendar months and engaged him as driver of Institute's bus and Jeep w.e.f. 1-1-90 to 31-1-91 and payment was arranged to be made through Hotel Kanha, Maharana Pratap Nagar, Bhopal malafidely. Thus the workman was malafidely given break from service w.e.f. February 1991 to July 1991 and then was engaged as driver to drive the personal car of Principal of management's Rural Development Institute, Bhopal. Since the workman was being given sweet assurances for making him regular, as such he was waiting for making him regular (permanent) driver but since sufficient time had elapsed and no action was taken by the management for making him regular, as such notice was served on the management on 20-12-91 through his advocate but inspite of receipt of the said notice, the workman was not made permanent driver of management's Bank and on the contrary he was discontinued from driving the personal car of principal of management's Rural Development Institute on 24-12-91 malafidely. The workman had worked more than 240 days in the preceding 12 calendar months since the date of verbal illegal termination i.e. 1-1-90 from management's Rural Development Institute, Bhopal, as such it is retrenchment but since the management has not complied with the provisions of Section-25(F) of the Industrial Dispute Act, 1947, hence, the termination of the applicant is illegal and deserves to be set aside on this ground alone. Though the workman was being paid his salary through Hotel Kanha, Maharana Pratap Nagar, Bhopal for the period w.e.f. 1-1-90 to 31-1-91, but since he was driving the management's Rural Development Institute's bus or jeep, as such his services should be treated continuous w.e.f. 1-3-89 to 31-1-91. The workman was not given any opportunity of being heard

prior to him termination which is contrary and violative to the principles of natural justice. It is, therefore, prayed by the workman that the action of the management of terminating his services be declared as illegal and improper and award be passed reinstating him in job with full back wages, other benefits and costs of this proceeding.

3. The management contested the reference and filed their Written Statement. Their case in brief is as follows. The workman was engaged as casual driver intermittently in the year 1989 from time to time on daily wages at the rate of Rs. 30 per day as per requirement of the management and availability of the workman. It has been denied by the management that the workman was being paid monthly salary of Rs. 840. It has also been denied by the management that the workman had worked for more than 240 days in preceding 12 calendar months. It is also been denied by the management that there was any case of workman's illegal termination on 1-1-90 from the management's Rural Development Institute, Bhopal. That in his own letter dated 25-8-91 sent to the Principal, CBRD Institute of the management, the workman had expressly admitted that he worked on daily wages @ Rs. 30 per day in 1989 with CBRD Institute. In this letter, the workman had shown the payments received by him for his intermittent work and for the days worked from time to time all the figures of payments are correctly stated therein. But for December 1989, he had wrongly shown 28 days instead of 27 days for which the amount of Rs. 810 received by him is correctly mentioned by him therein. Thus it is his own admission that he had worked only for 239 days in 12 calendar months. Therefore all the allegations made in this respect in the statement of claim have no substance in law. The claim of the workman is totally false and has been cooked up by the workman in collusion with owners of Hotel Kanha, MP Nagar, Bhopal to make out an alternative false case against the management. It has been denied by the management that the workman was driving the management's Rural Development Institute's bus and jeep from 1-1-90 to 31-1-91. It is evident that all these allegations are cooked up subsequently as the workman did not mention any such allegations in his letter dated 25-8-91. It has also been denied by the management that since the workman made request for making him regular driver, as such the Principal of Management's Rural Development Institute, Bhopal discontinued him malafidely to avoid the status of regular driver acquired by the workman by completing 240 days within 12 calendar months w.e.f. 1-1-90. It has also been denied by the management that the Principal had engaged him as driver of Institute's bus and jeep w.e.f. 1-1-90 to 31-1-91. In the year 1989 from 1-3-89, the workman had worked only intermittently for total 239 days for which he

had been paid total amount of Rs. 7,170 only as detailed below :

Month	No. of days worked	Amount paid at Rs. 30 per day
March 1989	17	Rs. 510.00
April 1989	26	Rs. 780.00
May 1989	27	Rs. 810.00
June 1989	22	Rs. 660.00
July 1989	25	Rs. 750.00
August 1989	24	Rs. 720.00
September 1989	27	Rs. 810.00
October 1989	18	Rs. 540.00
November 1989	26	Rs. 780.00
December 1989	27	Rs. 810.00
TOTAL	239 Days	Rs. 7,170.00

After December 1989, the workman turned up on 1-1-90 only to collect his wages of Rs. 810 for 27 days @ Rs. 30 per day and thereafter left. Since then he never attended or turned up to work as he had already started working on better wages with somebody else from 1-1-90. From the conduct of workman, it is evident that his notice was false and worthless as 2 years after leaving management, he had sent the said false notice to the management under ill advice. It has been pleaded by the management that the workman is not entitled for any relief and his claim is liable to be dismissed with costs.

4. The workman in order to prove his case examined himself as WW-I. The management in order to defend the case examined Shri Dinker Bhousaheb Shitole as MW-I.

5. Both the parties have filed documents in support of their respective cases. They shall be referred in the body of his award where the need be.

6. Both the parties have filed written argument.

7. I have very carefully gone through the written argument filed by the parties and the entire evidence on record.

8. According to averments made in the statement of claim workman Shri Faraque Ahmed was appointed as driver with the management w.e.f. 1-3-89 on payment of monthly salary of Rs. 840. But it has been pleaded in the written statement filed by the management that workman Shri Faraque Ahmed was engaged as driver intermittently in the year 1989 from time to time on daily wages @ Rs. 30 per day as per requirement of the management and availability of the workman. It has been stated on oath by management's witness Shri Dinker Bhousaheb Shitole that the workman was engaged as casual driver intermittently in the year 1989 from time to time on daily wages @ Rs. 30 per day as per requirement of the management and availability

of the workman. During the cross-examination, workman Shri Faraque Ahmed admitted that he was employed by the management on daily wages @ Rs. 30 per day. Not only this, the workman has relied on the Photostat copy of letter dated 11-11-91 sent by him to the Principal, Central Bank Rural Development Institute, Bhopal for his absorption as full time employee and claim for pro rata wages. Though this Photostat copy of the letter has not been admitted on behalf of the management but the contents of this letter can be read against the workman who has placed reliance on it. It is very clear from the said Photostat copy of the letter that the workman Shri Faraque Ahmed has admitted that he was employed with the management as daily wager @ Rs. 30 per day. Besides the above, the workman has also relied upon the Photostat copy of certificate dated 19-7-90 issued by the Principal of Central Bank Rural Development Institute to him. This photocopy of the certificate has not been admitted on behalf of the management but its contents can be read against the workman who placed reliance on it. This certificate also indicates that it has been admitted by the workman that he was employed by the management as daily wager @ Rs. 30 per day. It is, therefore, concluded from the above that it is fully proved that the workman was employed by the management as driver on daily wages @ Rs. 30 per day. The averment made by the workman Shri Faraque Ahmed in his statement of claim that he was employed as driver with the management at a monetary salary of Rs. 840 has no legs to stand.

9. As per averment made in the statement of claim, workman Shri Faraque Ahmed worked with the management as driver for 240 days within 12 calendar months w.e.f. 1-3-89 to 31-12-89. Against the above, it has been pleaded in the written statement of the management that the workman worked as driver with the management w.e.f. 1-3-89 to 31-12-89 for only 239 days. In para no. 4 of the written statement, it is pleaded that in fact in the year 1989 from 1-3-89, the workman had worked only intermittently for total 239 days for which he had been paid total amount of monetary Rs. 7,170 only as detailed below :

Month	No. of days worked	Amount paid at Rs. 30 per day
March 1989	17	Rs. 510.00
April 1989	26	Rs. 780.00
May 1989	27	Rs. 810.00
June 1989	22	Rs. 660.00
July 1989	25	Rs. 750.00
August 1989	24	Rs. 720.00
September 1989	27	Rs. 810.00
October 1989	18	Rs. 540.00
November 1989	26	Rs. 780.00
December 1989	27	Rs. 810.00
TOTAL	239 Days	Rs. 7,170.00

10. In his affidavit, workman Shri Faraque Ahmed stated on oath that he worked for more than 240 days in preceding 12 calendar months since the date of verbal termination i.e. 1-1-90 from the management's Rural Development Institute, Bhopal. On being cross-examined, he admitted that in the month of March 1989, he had worked for 17 days, in the month of April 1989 he had worked for 26 days, in the month of May 1989 he had worked for 27 days, in the month of June 1989 he had worked for 22 days, in the month of July he had worked for 25 days, in the month of August he had worked for 24 days, in the month of September he had worked for 27 days, in the month of October he had worked for 18 days, in the month of November he had worked for 24 days and in the month of December 1989 he had worked for 28 days. Thus the workman in his cross-examination has admitted that the number of days he worked with the management has been correctly shown in the above chart for the month of March 1989 to the month of November 1989. Only the number of days the workman worked for the month of December 1989 are disputed between the parties. According to written argument filed on behalf of workman, he had worked for 28 days in the month of December 1989 with the management. The same has been stated by workman Shri Faraque Ahmed in this evidence of cross examination. The management's witness Shri Dinkar Bhousaheb Shitole stated on oath in his affidavit that the workman worked with the management only for 27 days in the month of December 1989. From both the sides, Photostat copies of the documents have been filed to prove the respective contentions in this regard. But those Photostat copies cannot be read in evidence as they have not been proved in accordance with law of evidence. This tribunal permitted the workman to lead secondary evidence for proving the entries of log-book. Perhaps the workman wanted to prove the number of days he worked in the month of December 1989 with the management by leading secondary evidence of entries of log-book. The workman has filed the alleged Photostat copy of page no. 119 of the log-book for the vehicle. Now it is to be considered if the Photostat copy of the entries of log-book is in fact admissible secondary evidence of the entries of log-book. Regarding it workman Shri Faraque Ahmed stated in his evidence of cross-examination that the log-book of the vehicle used to remain in his possession and he has filed its photocopy. He added that when the management deducted his wages for a working day, then he grew suspicious and he got made the photocopy of the log-book. It has been held in AIR 1970 Manipur-7(8) in the case of Nurmahamed Versus Md. Abdul Karim that the copy of the original letter addressed by the Government to the Deputy Commissioner, prepared privately from the original at the time of inspection of the relevant file, is not admissible as secondary evidence of the original letter. If the photostat copies of the entries of log-book are considered in the light of above law laid down, it is concluded that the Photostat copy of the log-book which

was prepared privately, may be from the original, is not admissible as secondary evidence of the original entries of the log-book. Besides the above, the accuracy of the photocopies, particularly of external objects as shown in the photograph is to be established on oath to the satisfaction of the court, either by the photographer or some one who can speak to their accuracy [AIR 1968 Goa 132(137) in the case of Latino Andrew Henriques Versus Union Government, New Delhi]. In this case, the person who prepared the Photostat copy has not been examined who could speak to the accuracy of the Photostat copy. I am of the considered opinion that the Photostat copy of entries of Pg. No. 119 of Log-Book of the vehicle is not an admissible secondary evidence.

11. The workman has relied upon the Photostat copy of the letter dated 11-11-91 sent to the Principal of Central Bank Rural Development Institute, Bhopal for his absorption as full time employee and claim for pro rata wages. This Photostat copy has not been admitted on behalf of the management. Since the workman has placed reliance on this document it may be read against him. In this Photostat copy though the workman has mentioned that in the month of December 1989 he had worked for 28 days and he was paid wages for that period @ Rs. 30 per day amounting to Rs. 810 only. In this Photostat copy of the letter, it is nowhere stated that the workman was not paid wages for one working day in the month of December. It is to be noted that wages of the workman for 27 working days comes to Rs. 810 at the rate of Rs. 30 per day. It is indicative of the fact that the workman actually worked for 27 days in the month of December 1989. On being cross-examined, workman Shri Faraque Ahmed admitted that he had demanded payment of Rs. 810 only as wages for the month of December 1989. It is also indicative of the fact that the workman worked for only 27 days in the month of December 1989. It is, therefore, concluded that the workman has failed to prove that he worked for more than 240 days or 240 days in the preceding 12 calendar months w.e.f. 1-3-89 to 31-12-89. Against it, the management has succeeded in proving that the workman worked only for 239 days during the above period and that is too intermittently as a daily wage @ Rs. 30 per day.

12. Relevant portion of Sec. 25-B of the Industrial Disputes Act, 1947 reads as under :

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause(1) for a period of

one year or six months, he shall be deemed to be in continuous service under an employer :—

- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than :—

- (i)
(ii) two hundred and forty days, in any other case;

- (b)

- (i)

- (ii)

Explanation : “.....”

- (i) “.....”

- (ii) “.....”

- (iii) “.....”

- (iv) “.....”

In the case at hand, it is not proved that the workman worked with the management for 240 days for a period of one year. Therefore the provisions of Section 25-F are not attracted and discontinuation of the workman from the service of management cannot be held illegal.

13. In view of the above, it is hereby held that the action of the management of Central Bank of India, Bhopal, MP in terminating the services of Shri Faraque Ahmed S/o Sh. Saiyyed Zail, Driver after 1-1-90 is justified and secondarily the workman is not entitled to any relief. The reference order is answered accordingly in favour of the management and against the workman but considering the facts and circumstances of the case, the parties shall bear their own costs of this reference.

14. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 7 मार्च, 2006

का. आ. 1259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स इंडियन स्टीम शिप कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 58/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[फा. सं. एल-34025/1/2006-आई. आर. (बी-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 7th March, 2006

S.O. 1259.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Steam Ship Co. Ltd. and their workman, which was received by the Central Government on 06-03-2006.

[F. No. L-34025/1/2006-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 4th day of January, 2006

INDUSTRIAL DISPUTE NO. L.C.I.D. 58/2004

Between

Sri Koduru Appa Rao,
S/o Late Ramaswamy,
Ramjogi Agraharam (V),
Bheemunipatnam (M),
Visakhapatnam (DT.)

... Petitioner

AND

1. The Managing Director,
M/s. Indian Steam Ship Co. Ltd.,
Port Area,
Visakhapatnam-35.
2. Managing Director,
M/s. Indian Steam Ship Co. Ltd.,
44, Park Street,
Kolkata.

... Respondents

APPEARANCES

For the Petitioner : Sri Kuppili Muralidhar,
Advocate

For the Respondent : Sri M. Ramdas, Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 58/2004 and notices were issued to the parties.

2. The workman raised dispute against his illegal termination by the Respondent Management on 31-10-2002. He prayed this Court to direct the respondent to consider the Petitioner is on service till date of attaining superannuation on 1995 and for the resultant back wages and other benefits. Respondent also filed counter. Today, i.e., on 4-1-2006, the Petitioner is present along with his counsel, Respondent's counsel is present and Respondent filed a memo stating that the matter was settled and the Petitioner received Rs. 2,31,080 in full and final settlement of his claim. Petitioner agreed to the settlement and signed on the memo. Hence, petition withdrawn as not pressed. Hence, 'Nil' Award is passed. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 4th day of January, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the
Witness : NIL
Witnesses examined for the
Respondent : NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 मार्च, 2006

का. आ. 1260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबंध में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 7/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-03-2006 को प्राप्त हुआ था।

[फा. सं. एल-37011/1/2000-आई. आर. (एम)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 7th March, 2006

S.O. 1260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, and their workmen, which was received by the Central Government on 06-03-2006.

[No. L-37011/1/2000-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

Shri B. I. Kazi (B. Sc., LL.M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.)

No. 1169/04

OLD (I.T.C.) No. 07/2001

The Chief Engineer,
Kandla Port Trust,
Administrative Office,
P. Box No. 50,
Gandhidham (Kutch)-370 205

... First Party

V/s.

The General Secretary,
Transport & Dock Workers Union,
Room No. 21, Yogesh Building ward 12-C,
Plot No. 58, Gandhidham

... Second Party

Appearance

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-37011/1/2000-IR (M) dated 13-02-2001 to this Tribunal for adjudication. The terms of reference is as under :

SCHEDULE

"Whether the demand of the Transport & Dock Workers Union, Gandhidham against the management of Kandla Port Trust, Gandhidham for absorption of Shri Harchand Vishram in the post of Blacksmith instead of Khalasi as he has already completed more than 10 years in same post as daily rated basis is just, valid and legal ? If so to what benefits the workman is entitled for and what directions are necessary in the matter ?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 20-03-2001. The date to file the statement of claim was 21-05-2001. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of

claims after 3 years 8 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the second party has failed to prove unjust, invalid and illegal.

Looking to the above observations I hereby pass the following order :

ORDER

The demand of the union for absorption of Shri Harchand Vishram in the post of blacksmith is hereby rejected, because the union has not established the justness and legalness of the demand. Thus the workman is not entitled to any benefit. The reference is hereby rejected for want of prosecution. No order as to cost.

Date: 23-08-2005 B. I. KAZI, Presiding Officer
Ahmedabad.

नई दिल्ली, 8 मार्च, 2006

क्र. अ. 1261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/भ्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 17/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2006 को प्राप्त हुआ था।

[फा. सं. एल-12011/38/94-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2006

S.O. 1261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/1996) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 07-03-2006.

[F.No. L-12011/38/94-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT

Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO. 17 OF 1996

PARTIES

Branch Manager, S.B.I. Suri Branch, Suri, Birbhum

V/s.

General Secretary, S.B.I. Workers' Association,
SBI, Suri, Birbhum

REPRESENTATIVES:

For the management : Sri D. Kumar, Dy. Manager

For the union (Workman) : Sri D. Ghosh,
Asstt. General Secretary,
SBI Workers' Union,
Suri, Birbhum

INDUSTRY: Bank

STATE: West Bengal

Dated the 16-02-2006.

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its Letter No. L-12011/38/94-IR(B-I) dated 19-03-1996 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of State Bank of India, Suri Branch in deducting one day's wages of the members of State Bank of India Workers' Association (INTUC) in spite of its written declaration for not participating in the strike dated 2-9-1993, is legal and justified? If not, to what relief are the members of the union entitled?"

After having received the order No. L-12011/38/94-IR-(B-I) dated 9-3-96 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication, a reference case No. 17 of 1996 was registered on 26-3-96 and an order to issue notices through the registered post to the respective parties was passed with a direction to appear in the court and file their written statements along with the required documents in support of their case. In pursuant to the said notices issued Shri D.E. Ghosh, Asstt. General Secretary of the union and Sri D. Kumar, Dy. Manager, from the side of the management appeared in the court and both the parties have filed their written statements in support of their claims.

From perusal of the record it transpires that 18-05-03 was the date fixed for evidence but since then the union left taking any step in the case till 16-2-06. Several adjournments were given for appearance of the union to appear and take suitable step on its behalf but to no effect. These all prevailing facts and circumstances go to show that the union has got no interest to pursue the case. In such circumstance it is not just and proper to keep the case pending any more as no useful purpose is to be served. Accordingly it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful.

MD. SARFARAZ KHAN, Presiding Officer.

नई दिल्ली, 8 मार्च, 2006

का. अ. 1262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नॉर्थर्न रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या 30/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2006 को प्राप्त हुआ था।

[सं. एल-41011/42/2002-आई. आर. (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2006

S.O. 1262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2003) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 07-03-2006.

[No. L-41011/42/02-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

R.N. Rai, Presiding Officer.

I.D. No. 30/2003

IN THE MATTER OF:

Shri Sunder Lal,
C/o. 63-C, Kailash Nagar,
Model Town,
Ambala City (Haryana).

Versus

The Chief Bridge Engineer,
Northern Railway, Baroda House,
New Delhi-110001.

The Dy. Chief Engineer,
Northern Railway,
Tilak Bridge Lane,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-41011/42/2002/IR(B-I) CENTRAL GOVERNMENT DT. 05-03-2003 has referred the following point for adjudication.

The point runs as under :—

"Whether the action of the management of Chief Bridge Engineer, Northern Railway, New Delhi in denying the fixation of seniority, screening and promotions to 62 employees (As per list enclosed at Annexure 'A') is justified? If not what relief the workmen are entitled to?"

The workmen applicants have filed claim statement. In the claim statement it has been stated that they are aggrieved at the hands of the Respondents Railways Management for meeting ~~an anti-discrimination towards~~ them in the matter of fixation of seniority, screening, and promotion as per pick and choose policy as would be explained hereunder.

That he was not given the original seniority as required by Railway instructions contained in Circular No. E(NG)63 PM-1/92 dt. 15/17-9-64 NR-2709, ER-6004, 797 whereby their right of being promoted in the next higher grade is overlooked, Their first and then promoted in the Higher Grade/Cadre.

That the officials who had given the screening test along with applicant and after him some of those who had not even passed the screening test have been wrongly promoted in the higher grades/cadres knowing the obligatory conditions for giving promotion in the higher grade/cadres.

That the officials who were due for screening earlier in view of their senior position in the seniority have been ignored and those who joined the Railway after a long period shown as Total No. of days' which is against the principle laid down by Hon'ble Supreme Court of India and smells of favoritism. Even in this criteria there are the example wherein the employees have more days of service have been ignored and those having less no. of days service are screened which fully supports the contention of the applicants that even the screening had not been as per seniority and made out after spells of years together.

That the worst hit position is that the Khalasi Helper who passed the screening test in the year 1989/1991 are now working in the higher grades of 4500-7000, 4000-6000, 3050-4590 and his seniors who passed the screening test in the same year or earlier are getting a Helper/Khalasi in the pay scale of 2650-4000 as Khalasi Helper which is opposed to the amended FR-22 incorporated in Railway Instructions issued by the Railway Board as also in Circular No. EM-2318.

That it has also come to the notice of the applicant that the some promotions in the higher grades/categories have been made even without screening and notification to the senior staff which tantamount to back door entry of favorites.

That the fundamental principles read that a junior can not draw more than a senior or a senior may not draw less than a junior. So justice demands that the pay of the applicants be brought at par with his juniors retrospectively, as also their seniority may be fixed keeping into view all the facts and those who have been screened in the back date when his juniors were screened and the financial benefit accorded to him from the date his junior is getting more wages.

The Management has filed written statement. In the written statement it has been stated that as per the policy of the respondents/Railways, the Group 'D' staff who do not appear for any trade test cannot get promotion against an ex-cadre post and Khalasi Helpers who have raised the alleged dispute had not applied for appearance in any trade test to make them eligible to get promotion against the ex-cadre post. Accordingly, the applicants case has to merit and therefore, their application under reply is liable to be dismissed on this very ground.

That it is stated that the applicants/claimants were engaged a casual labour/daily rated workers from the year 1973 on-wards and their service particulars as given in the Annexure-1 are not correct as per the record maintained by respondents and the list of applicants/claimants working in the unit of ABE/Line/Tilak Bridge has no relevance for the purpose of claiming seniority and fixation of pay.

That it is stated that in the list of applicants/claimants, the information given with regard to date of appointment etc. of the applicants is not correct and the list as such cannot be treated as seniority list on which the claim of claimants/workmen can be based or considered.

That it is denied that pick and choose policy has been followed in the fixation of seniority, screening and promotion of staff viz. Khalasi Helpers and Khalasis (62 in number) working under B.R.I./Northern Railway, Shakurbasti, Delhi. Therefore, averment made in the para under reply is denied. It is also denied that any such pick and choose policy has been followed in the matter of fixation of seniority, screening and promotion of staff viz. Khalasi Helper or Khalasi, the figure of which comes to 62 numbers, the said workman working under BRI/Northern Railway, Shakurbasti, Delhi, and they are working under the Authority of Assistant Executive Engineer/BL. Northern Railway, Tilak Bridge, New Delhi of the Bridge Department.

That it is stated that seniority list of Khalasi Helpers and Khalasi as such working under BRI/Spl. Northern Railway, Shakurbasti, Delhi has been circulated from time to time a copy of which has been sent to recognized Unions

of Northern Railway as per rules of Railways and no such complaint has been received from the employees with regard to seniority position or promotion by the Railway Administration in the next higher grade has been overlooked as alleged. It is stated that upto date revised lists of seniority are circulated from time to time mentioning therein the seniority status of Khalasi helper and Khalasi, staff working under BRI/Spl.-1, Northern Railway, Shakurbasti, Delhi, Viz. Shakurbasti ; Jr. Eng./Br./Spl.1, Northern Railway, Shakurbasti Delhi, and objections if any are invited from the employees. None of the employees has ever raised any objection in the past nor any or the recognized unions has pointed out any mistake in the seniority list circulated by Asstt. Executive Engineer/BL/NR/Tilak Bridge, New Delhi.

That it is denied that officials who had passed the screening test have been promoted in the higher grade/grade cadre, it is stated that promotions have been given as per Railway rules to those who applied for and were selected for the job/ex-cadre in this connection, it is reiterated that as per the Railway policy, Group 'D' staff who do not appear for any trade test cannot get promotion against ex-cadre posts and in the alleged dispute, Khalasi helpers who have raised the dispute had not applied for appearance in any trade test which could entitle them to get promotion against the ex-cadre post. Accordingly, the alleged dispute raised by claimants has no merit at all.

That it is stated that in the list of 62 applicants, wrong information with regard to date of appointment, number of days served by them, date of birth, etc. has been given and this cannot, therefore, be treated for the purpose of seniority for which the claimants who were engaged as casual labour daily-rated from the date of joining and have been continuously working were considered for regular appointment against regular posts of Group 'D' in the year 1989 onward after they passed the screening test conducted by the Screening Committee. Therefore, all these applicants who were considered for regular appointment after passing the screening test have been working in the Group 'D' category in the seniority list of Unit ABE/Line/Tilak Bridge Delhi.

With regard to allegation of ignoring the seniority and promotion of applicants is concerned, it is stated that the applicants who were considered for regular appointment after they passed the screening test in the 1989 onward had never made any representation with regard to seniority of which the seniority list has been circulated from time in each unit of the Bridge Department.

So far as promotion from Group 'D' to Group 'C' in artisan category is concerned it is stated that it is finalized by the Department after getting all the clearances from the concerned unit, i.e. after removal of all kinds of objection with regard to seniority etc. It may be stated that the representation made by any of the employees of the Bridge

Department (which is made direct or through a trade union) is scrutinized and disposed off in accordance with rules.

With regard to promotion of skilled artisan's staff from semi-skilled, options are taken from the eligible staff and then after adopting proper procedure, the eligible staff (who are found suitable in all respects) are promoted.

That it is stated that applicants, who are working in the seniority unit of ABE/Line/N. Rly/Tilak Bridge, along with other units of Delhi Sub-Divisions will be considered for promotion in their turn and on availability of clear-cut vacancies in particulars trade after taking turn and on availability of clear-cut vacancies in particular trade after taking into consideration the relevant procedure for optional posts. It is stated that applicants who were engaged as daily-rated casual labour from the date of joining are considered for regular appointment after they pass their necessary screening test with other employees of Bridges Department and since their seniority is being maintainable on the basis of screening panel.

That it is denied that some promotions in higher grade/category have been made even without screening and prior intimation to senior staff, which may amount back door entry for favorites as alleged in the para under reply. If there is any such instance, that may need be brought to the notice of answering respondents.

That it is stated that any representation received from the staff directly or through trade unions is disposed off quickly by the administration keeping in view the relevant rules/regulations in this regard. It may be mentioned that promotion of staff in the skilled category for optional posts is being done by the Department by adopting relevant rules/regulations in this regard. The claimants as such cannot be considered on out-of-turn basis and will be considered on their turn and availability of vacancies in the particular trade and after adoption of complete procedure for optional posts. If there is a specific case where justice has not been done as alleged, that may be brought to the notice of Administration/answering respondents to enable them to rectify the mistake, if any.

The answering respondents hereby deny that any pick and choose policy has been adopted as alleged in the claim petition. It is stated that any such instance where alleged justice has not been done may be brought to the notice of answering respondents to enable them to do the needful in the matter.

The workmen applicants have filed rejoinder. In their rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

It transpires from perusal of the record that the claimants have filed claim statement and rejoinder but thereafter the workmen did not turn up. No affidavit has

been filed by the workman in support of their claim. Management has filed affidavit.

Heard arguments from the side of the management.

The case of the workmen is that the screening test of the management is not correct and in-eligible employees have been selected on the basis of this screening test. Seniority cannot be determined by the screening test of the management and gross injustice has been done to the seniors when juniors have been selected. The management has adopted pick and choose policy in fixation of seniority, screening and promotion of staff. In the entire claim statement there are general allegations regarding screening, seniority and promotion. No specific case has been referred to. Pleas of the claim statement have not been substantiated by even any example where seniority has been undermined.

The case of the management is that proper procedure has been followed and the workmen have not been able to point out what irregularities have been observed by the management. The claimants are not entitled to get any relief.

The reference is replied thus :—

The action of the management of Chief Bridge Engineer, Northern Railway, New Delhi in denying the fixation of seniority, screening and promotions to 62 employees (as per list enclosed at Annexure 'A') is justified. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 28-2-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 8 मार्च, 2006

का. आ. 1263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, उदयपुर के पंचाट (संदर्भ संख्या 2/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2006 को प्राप्त हुआ था।

[सं. एल-12012/174/97-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 8th March, 2006

S.O. 1263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/98) of the Industrial Tribunal/Labour Court, Udaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 7-3-2006.

[No. L-12012/174/97-IR (B-I)]
AJAY KUMAR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राज.)
पीठासीन अधिकारी—उषा अग्रवाल, आर. एच. जे. एस.

प्रकरण सं. 02/98 श्रम वाद

श्री कैलाश सालवी पुत्र नाथूलाल सालवी,
उमरावगिरी का मठ,
सूरजपोल अन्दर, उदयपुर

—प्राथी

विरुद्ध

श्री सहायक महाप्रबन्धक,
भारतीय स्टेट बैंक-2,
आंचलिक कार्यालय, जयपुर

—विपक्षी

उपस्थित :

प्राथी की ओर से : श्री सी. पी. शर्मा
विपक्षी की ओर से : श्री पी. सी. पानेरी

पंचाट

दिनांक : 18-02-06

भारत सरकार के श्रम मंत्रालय की अधिसूचना नं. एल-12012/174/97 आई आर (बी-1) नई दिल्ली दिनांक 4-3-98 के द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनियम हेतु प्रेषित किया गया :—

“Whether the action of the Assistant General Manager, State Bank of India, Region-II, Jaipur, in terminating the services of Shri Kailash Salvi w.e.f. 13-11-96 is legal and justified ?

If not, to what relief the concerned workman is entitled to and from which date ?”

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 21-3-98 को नियमित श्रम वाद सं. 02/98 दर्ज रजिस्टर किया जाकर पक्षकारान को नोटिस जारी किये गये जिस पर प्राथी की ओर से क्लेम व विपक्षी की ओर से जबाब पेश किया गया।

प्राथी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार हैं कि प्राथी ने विपक्षी के अधीन भारतीय स्टेट बैंक, उदयपुर सिटी शाखा में मेसेन्जर के रूप में दिनांक 16-8-84 से 31-12-84 तक व 1-1-92 से 13-11-96 तक केन्टीन बॉय के रूप में कार्य किया। प्राथी को दिनांक 13-11-96 को अचानक बिना किसी नोटिस एवं लिखित आदेश सेवा से पृथक कर दिया। प्राथी को सेवा पृथक किये जाने के बाद विपक्षी द्वारा नए श्रमिकों की भर्ती की गई। भारतीय स्टेट बैंक और आल इण्डिया स्टेट बैंक आफ इण्डिया स्टाफ फेडरेशन के बीच दिनांक 27-10-88 को औद्योगिक विवाद अधिनियम की धारा 2 (जी) के अन्तर्गत हुए समझौते के अनुसार अधीनस्थ श्रेणी के दैनिक वेतन भोगी मजदूरों को संदेशवाहन/फरांश/केन्टि बॉय/केश कुली/स्वीपर और बैंक गार्ड पद की पूर्णकालीन या अंशकालीन रिक्तियों पर स्थाई नियुक्ति हेतु विचार किये

जाने का अवसर देने का प्रस्ताव था, इसी क्रम में 1-5-91 को राजस्थान पत्रिका में विपक्षी द्वारा विज्ञापन देकर आवेदन पत्र दैनिक वेतन भोगी मजदूरों से मांगे गए। जिस पर प्राथी ने भी आवेदन किया जिसका विपक्षी ने कोई जबाब नहीं दिया। प्राथी द्वारा पूछताछ करने पर उसे 27-5-96 को बताया कि आपको साक्षात्कार हेतु पत्र भेजा परन्तु आप उपस्थित नहीं हुए इसलिये आपका चयन नहीं हुआ, जबकि प्राथी को साक्षात्कार हेतु बुलाया नहीं गया। प्राथी से कनिष्ठ दैनिक वेतन भोगी कर्मचारियों को नियमित नियुक्ति दे दी गई है परन्तु प्राथी को दिनांक 13-11-96 को बिना नोटिस के सेवा से पृथक कर दिया। जो सेवा पृथक किया जाना औ. वि. अधि. की धारा 25 एफ, जी एवं एच के अन्तर्गत अवैध एवं शून्य है। प्राथी सेवा पृथक किये जाने से आज तक बेरोजगार है। इसलिये निवेदन किया है कि प्राथी को विपक्षी द्वारा दिनांक 13-11-96 से सेवा पृथक किया जाना अनुचित व अवैध घोषित किया जावे व निरन्तरता के साथ समस्त वेतन भत्ते सहित कनिष्ठ श्रमिकों को नियमित किये जाने की दिनांक से नियमित पद पर नियुक्त किया जावे।

विपक्षी ने अपने जबाब में यह अंकित किया है कि प्राथी ने अप्राथी के यहां कभी भी कर्मचारी के रूप में कार्य नहीं किया लिहाजा प्राथी को नौकरी से निकालने का सवाल ही नहीं उठता, प्राथी और अप्राथी में कभी भी नियोजन एवं कर्मचारी का संबंध नहीं रहा, अतः यह विवाद औ. वि. अधिनियम के अन्तर्गत नहीं आता है। प्राथी ने केन्टीन बॉय के रूप में स्थानीय क्रियान्वयन समिति के अधीन कार्य किया है तथा इस समिति का बैंक से कोई सम्बन्ध नहीं है। यह मात्र कर्मचारियों का एक क्लब/एसोसिएशन है जिस पर बैंक का कोई नियन्त्रण नहीं है।

मदवार उत्तर में विपक्षी बैंक ने यह अंकित किया है कि प्राथी ने विपक्षी के यहां दैनिक मजदूरों पर निम्नानुसार कार्य किया है। वर्ष 1984 में 4 दिन, 1985 में 18 दिन, 1986 में 8 दिन, 1987 में 15 दिन, 1988 में 6 दिन, 1989 में 32 दिन, 1990 में 5 दिन, 1991 में 8 दिन। प्राथी ने सन् 1991 के पश्चात् कभी भी कार्य नहीं किया है। दिनांक 1-1-92 से 13-11-96 तक केन्टीन बॉय के रूप में कार्य करना बताया जिसे अस्वीकार किया तथा यह बताया कि यह कार्य विपक्षी के यहाँ नहीं था। उदयपुर शाखा स्थित कर्मचारियों के अपने स्वयं के द्वारा संचालित व्यवस्था का विपक्षी से कोई सम्बन्ध नहीं है। प्राथी द्वारा वर्णित दिवस को प्राथी विपक्षी के यहाँ कार्य नहीं कर रहा था न विपक्षी के नियोजन में था अतः सेवा से पृथक करने का प्रश्न ही नहीं उठता। समझौता दिनांक 27-10-88 व 9-1-91 के अन्तर्गत आवेदन पत्र आमंत्रित किये गये जिस पर प्राथी ने आवेदन किया व उसे साक्षात्कार के लिये पत्र क्रमांक कार्मिक 18726 दिनांक 14-1-92 पंजीकृत डाक से (रजिस्ट्री सं. 3748 दिनांक 17-1-92) उसके आवेदन में दिए पत्र पर भेजा लेकिन प्राथी साक्षात्कार हेतु 4-2-92 को बोर्ड के समक्ष उपस्थित नहीं हुआ और जान बूझ कर अनुपस्थित रहा, इससे यह स्पष्ट है कि प्राथी उक्त नियुक्ति हेतु इच्छुक नहीं था। विपक्षी बैंक में नियुक्ति प्रक्रिया पूर्ण होने के पश्चात् ही की जाती है, विपक्षी द्वारा प्राथी को सेवा से पृथक नहीं किया गया, प्राथी बताए गए दिवस को विपक्षी का कर्मचारी नहीं था। प्राथी की सेवाओं की स्थिति के अनुरूप औ. वि. अधिनियम का उसे लाभ दिए जाने योग्य नहीं रहा है, क्योंकि प्राथी ने धारा 25 (बी) की परिस्थितियां पूर्ण नहीं करता है। विपक्षी द्वारा धारा 25 जी एवं एच का उल्लंघन नहीं

किया है। प्रार्थी के बेरोजगार रहने का तथ्य वास्तविकता के विपरीत है। विशेष उतर में यह अंकित किया कि प्रार्थी का क्लेम वास्तविकता के विपरीत है तथा प्रचलित श्रम विधि के अनुसार न होने के कारण प्रथम दृष्टया खलने योग्य नहीं है। प्रार्थी औ. वि. अधिनियम के तहत कोई लाभ प्राप्त करने का अधिकारी नहीं है। अतः प्रार्थी का क्लेम खारिज किये जाने की प्रार्थना की है।

क्लेम के समर्थन में प्रार्थी की ओर से स्वयं कैलाश का शपथ पत्र पेश हुआ जबकि विपक्षी की ओर से पहले अनिल कुमार शर्मा सहायक प्रबन्धक भारतीय स्टेट बैंक उदयपुर का शपथ पत्र पेश हुआ था जिन्हें बाद में विपक्षी साक्ष्य में पेश करना नहीं चाहा इसलिये जगदीश प्रसाद गोयल, उपप्रबन्धक (कार्मिक) भारतीय स्टेट बैंक क्षेत्र-2 आंचलिक कार्यालय जयपुर का शपथ पत्र पेश हुआ जिससे प्रार्थी प्रतिनिधि ने जिरह की व प्रार्थी से विपक्षी प्रतिनिधि द्वारा जिरह की गई। दोनों पक्षों ने संबंधित दस्तावेज को प्रदर्शित कराया।

आप पक्षकारों को कई आवाजे लगाई गई। विपक्षी प्रतिनिधि के उप. नहीं होने से प्रार्थी प्रतिनिधि की बहस सुनी गई व पत्रावली का अवलोकन किया गया।

अब हमें यह देखना है कि क्या प्रार्थी को विपक्षी बैंक द्वारा दिनांक 13-11-96 को सेवा से पृथक् किया जाना उचित एवं वैध है?

प्रार्थी की ओर से साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में यह अभिकथन किया है कि प्रार्थी ने विपक्षी के अधीन भारतीय स्टेट बैंक उदयपुर सिटी शाखा में मेसेन्जर के रूप में दिनांक 16-8-84 से 31-12-91 तक कार्य किया तथा 16-8-84 से उक्त शाखा में केन्टीन बॉय के पद पर कार्यरत रहते हुए मेसेन्जर का कार्य किया व दिनांक 31-12-91 के बाद 1-1-92 से 13-11-96 तक उसने केन्टीन बॉय के रूप में कार्य किया। इस संदर्भ में शाखा प्रबन्धक श्री सुरेन्द्र सिंह जी ने उसे दिनांक 3-1-87 को प्रमाण पत्र दिया जो प्रदर्श-1 है व इसी तरह श्री सचदेवा साहब ने दिनांक 20-9-90 को प्रमाण पत्र दिया जो प्रदर्श-2 है। विपक्षी ने प्रार्थी को वर्ष 84 से 91 तक जो 96 दिन कार्य करने का कथन किया यह पूर्णतया भिन्न है, प्रार्थी ने इन 96 दिनों में जो कार्य किया वह उक्त बैंक में स्थाई मेसेन्जर के अनुपस्थित रहने पर उसके स्थान पर प्रार्थी ने कार्य किया, परन्तु इसके अतिरिक्त भी प्रार्थी विपक्षी के अधीन केन्टीन बॉय के रूप में कार्यरत रहते हुए मेसेन्जर, शाखा की सफाई करना, पानी भरना, स्टेशनरी को व्यवस्थित करना, पेपक्रीन धोने आदि का कार्य करता था। इस प्रकार प्रार्थी ने विपक्षी की शाखा में लगभग 1044 दिन कार्य किया जिसका भुगतान भी समय-समय पर पेटी केश से किया गया जो विपक्षी के प्रभार खाता में दर्ज है। उसका विवरण प्रदर्श-3 से 7 है। प्रार्थी को विपक्षी द्वारा दिनांक 13-11-96 से अचानक बिना किसी नोटिस व लिखित आदेश के सेवा से पृथक् कर दिया। बैंक ने 1-5-91 को राजस्थान पत्रिका में विपक्षी द्वारा विज्ञापन देकर आवेदन पत्र दैनिक योतन भोगी मजदूरों से मांगे जो नोटिस प्रदर्श-8 है व इसका संशोधन आदेश प्रदर्श-9 है। इस विज्ञापन के तहत प्रार्थी ने आवेदन पत्र प्रेषित किया जिसका कोई जवाब नहीं दिया न साक्षात्कार में बुलाया, फिर पूछताछ करने पर बताया कि आपको साक्षात्कार हेतु पत्र भेजा लेकिन आप उपस्थित नहीं हुए इसलिये आपका जमान नहीं हुआ। जबकि प्रार्थी को कभी साक्षात्कार

हेतु बुलाया ही नहीं। प्रार्थी ने 16-8-84 से 13-11-96 तक विपक्षी के अधीन लगातार कार्य किया व प्रत्येक वर्ष में 240 दिन से अधिक कार्य किया। प्रार्थना पत्र के अन्य तथ्यों को भी इस शपथ पत्र में दोहराया है।

विपक्षी प्रतिनिधि द्वारा की गई जिरह में प्रार्थी ने यह बयान दिया है कि यह गलत है कि बैंक के कर्मचारियों को केवल चाय बनाने का काम करता हूँ। मैं चाय बनाता था मगर मेसेन्जर का भी काम करता था। मेरी कोई हाजरी नहीं भरी जाती थी। मैंने तो रेगुलर काम किया। यह गलत है कि यह बैंक कर्मचारियों का क्लब हो। मुझे 350 रुपये केन्टीन के देते थे और मेसेन्जर के काम में 20 रुपये व 30 रुपये रोज के पेटी केश में से देते थे। मेसेन्जर का जितना काम करता उसके हिसाब से मुझे भुगतान करते थे। यह गलत है कि मैंने 1991 के बाद बैंक में काम नहीं किया हो बल्कि मैंने तो 1996 तक बैंक में काम किया। मैंने 1996 में चाय बनाने व मेसेन्जर का काम किया करता था। मुझे साक्षात्कार का 14-1-92 का कोई पत्र नहीं मिला। 4-2-92 को मेरे पास कोई लेटर नहीं आया, मगर मुझे उसी दिन बुलाया था। मैं चाय पिलाने के बाद मेसेन्जर का काम करता था, नोट सिलाने का काम करता था। मैं 1984 में काम पर लगा तब किसी अन्य बैंक से काम सीखकर नहीं आया।

विपक्षी साक्षी जगदीश प्रसाद गोयल ने अपने शपथ पत्र में यह अभिकथन किया है कि प्रार्थी ने विपक्षी के यहां कभी भी कर्मचारी के रूप में कार्य नहीं किया और न ही कभी भी नियुक्ता एवं कर्मचारी का सम्बन्ध रहा। इसलिये यह विवाद औ. वि. अधिनियम के अन्तर्गत नहीं आता है। प्रार्थी ने केन्टीन बॉय के रूप में स्थानीय क्रियान्वयन समिति के अधीन कार्य किया तथा इस समिति का बैंक से कोई सम्बन्ध नहीं है, यह मात्र कर्मचारी का क्लब है जिस पर बैंक का कोई नियन्त्रण नहीं है। प्रार्थी ने विपक्षी के यहां दैनिक मजदूरी पर वर्ष 1984 में केवल 4 दिन, 1985 में 18 दिन, 1986 में 8 दिन, 1987 में 15 दिन, 1988 में 6 दिन, 1989 में 32 दिन, 1990 में 5 दिन, 1991 में 8 दिन कुल 96 दिन कार्य किया 1-1-92 से 13-1-96 तक विपक्षी के यहां कार्य नहीं किया बल्कि केन्टीन बॉय के रूप में कार्य किया जिसका बैंक से कोई सम्बन्ध नहीं है। बैंक ने समझौते के अनुसार आवेदन पत्र मांगे, जिस पर प्रार्थी ने आवेदन भी प्रस्तुत किया, किन्तु निवृत्ति हेतु साक्षात्कार हेतु दिनांक 4-2-92 को बोर्ड के समक्ष जान बूझकर अनुपस्थित रहा। साक्षात्कार हेतु भेजा पत्र डाक पंजीयन प्रदर्श एम-1 व एम-2 है। प्रार्थी को सेवा से पृथक् नहीं किया गया न ही प्रार्थी विपक्षी का कर्मचारी है। ऐसी स्थिति में औ. वि. अधि. का लाभ दिये जाने योग्य नहीं है। प्रार्थी का क्लेम वास्तविकता के विपरीत है तथा श्रम विधि के अनुसार प्रथम दृष्टया खले योग्य नहीं है।

प्रार्थी प्रतिनिधि द्वारा की गई जिरह में साक्षी ने यह बयान दिया है कि यह गलत है कि प्रार्थी ने 16-8-84 से 31-12-91 तक लगातार सिटी शाखा में मेसेन्जर के रूप में कार्य किया हो। आज खुद कहा कि प्रार्थी ने डेली वेजेज पर 96 दिन काम किया। यह सही है कि प्रार्थी ने 1-1-92 से 13-11-96 तक केन्टीन बॉय के रूप में कार्य किया उक्त कार्य का बैंक से कोई सम्बन्ध नहीं है। यह गलत है कि केन्टीन बॉय के साथ प्रार्थी ने मेसेन्जर का भी कार्य किया हो। यह कहना गलत है कि प्रार्थी को 13-11-96 का अपरान्त में सेवा पृथक् कर दिया हो। आज

खुद कहा कि प्रार्थी हमारी सेवा में था ही नहीं। प्रार्थी द्वारा प्रस्तुत दस्तावेज प्रदर्श-1 से 9 मंने नहीं देखे। प्रार्थी के सेवाकाल के दौरान कौन-कौन शाखा प्रबन्ध रहे, यह मुझे जानकारी नहीं है। रिकार्ड देखकर बता सकता हूँ। प्रदर्श-1 पर दस्तावेज सुरेन्द्र सिंह महाना के हैं, मैं सचदेवा साहब के दस्तावेज नहीं पहचानता हूँ। यह मुझे ध्यान नहीं कि 16-8-84 से 13-11-96 तक हमारे यहाँ मेसेन्जर के रूप में कौन कार्य कर रहा था। बैंक के रिकार्ड में है। यह मैं नहीं बता सकता कि सीटी शाखा में प्रार्थी ने 1044 दिन कार्य किया और उसका भुगतान हुआ हो। ब्रांच वाले ही बता सकते हैं। यह सही है कि पेटी केश से जो भुगतान होता है उसका इन्चार्ज खर्च खाते से होता है। यह कहना गलत है कि प्रदर्श एम-1 हमने प्रार्थी को नहीं भेजा हो। यह सही है कि 13-11-96 के बाद मेसेन्जरों की भर्ती हुई जिस हेतु प्रार्थी को भी मौका दिया, प्रार्थी को साक्षात्कार के लिये बुलाया था। यह गलत है कि प्रार्थी को दया के रूप में भर्ती के लिये बुलाया हो। यह मैं नहीं बता सकता कि प्रदर्श-10 में ए से बी लिखित प्रार्थी के हाथ की हो। ये ब्रान्च वाले ही बता सकते हैं।

प्रार्थी ने क्लेम प्रार्थना पत्र व शपथ पत्र में यह अभिकथित किया है कि प्रार्थी ने विपक्षी के अधीन भारतीय स्टेट बैंक उदयपुर सिटी शाखा में मेसेन्जर के रूप में दिनांक 16-8-84 से 31-12-84 तक कार्य किया एवं इसके बाद 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य किया। प्रार्थी को दिनांक 13-11-96 को अचानक बिना किसी नोटिस एवं लिखित आदेश सेवा से पृथक् कर दिया। इस प्रकार प्रार्थी स्वयं विपक्षी बैंक में 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य करना कथन कर रहा है। प्रार्थी ने मेसेन्जर के रूप में विपक्षी संस्थान में कार्य करने बाबत प्रदर्श-3 लगायत प्रदर्श-7 तक प्रस्तुत किये हैं जो वर्ष 1984 से 1991 के मध्य की अवधि के हैं, जिनमें प्रार्थी के कथनों की पुष्टि होती है कि वर्ष 1991 तक प्रार्थी ने मेसेन्जर का कार्य किया था। भारत सरकार द्वारा प्रेषित विवाद 1991 में सेवा से पृथक् किये जाने के सम्बन्ध में नहीं है। भारत सरकार द्वारा प्रेषित विवाद प्रार्थी को दिनांक 13-11-96 को सेवा पृथक् किये जाने के सम्बन्ध में है। जबकि प्रार्थी वर्ष 1996 में बैंक के अधीन कार्यरत हो ऐसी कोई साक्ष्य या दस्तावेज पेश नहीं किया गया है, बल्कि स्वयं प्रार्थी ने अपने क्लेम व शपथपत्र में यह स्पष्ट रूप से अभिकथन किया है कि प्रार्थी विपक्षी के अधीन भारतीय स्टेट बैंक उदयपुर सिटी शाखा में मेसेन्जर के रूप में दिनांक 16-8-84 से दिनांक 31-12-91 तक कार्य किया व 31-12-91 के बाद दिनांक 1-1-92 से 13-11-96 तक उसने केन्द्रीय बॉय के रूप में कार्य किया। इस प्रकार स्वयं प्रार्थी का यह कथन रहा है कि उसने 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य किया। प्रार्थी प्रतिनिधि द्वारा विपक्षी साक्षी जगदीश प्रसाद गोयल से जो जिरह की गई है उसमें विपक्षी साक्षी ने यह बयान दिया है कि यह गलत है कि प्रार्थी ने 16-8-84 से 31-12-91 तक लगातार सिटी शाखा में मेसेन्जर के रूप में कार्य किया हो बल्कि प्रार्थी ने डेली वेजेज पर 96 दिन ही कार्य किया। आगे जिरह में और स्पष्ट किया है कि "यह सही है कि प्रार्थी ने 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य किया।" प्रार्थी व विपक्षी दोनों की साक्ष्य से यह प्रकट होता है कि प्रार्थी ने 16-8-84 से 31-12-91 तक मेसेन्जर के रूप में बैंक में कार्य किया।

स्वयं प्रार्थी ने जो विपक्षी संस्थान से विवरण लेकर प्रदर्श-3 लगायत प्रदर्श-7 पेश किया है उनमें भी जुलाई 1991 के बाद प्रार्थी द्वारा कोई कार्य किये जाने बाबत विवरण नहीं है। इस प्रकार स्वयं प्रार्थी के कथनों को भी माना जाने तो उसने 31-12-91 के बाद मेसेन्जर का कार्य बैंक में नहीं किया है तथा उसने 1-1-92 से 13-11-96 के केन्द्रीय बॉय के रूप में कार्य करना बताया है, प्रार्थी प्रतिनिधि द्वारा की गई जिरह में विपक्षी साक्षी ने भी यह बताया है कि यह सही है कि प्रार्थी ने 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य किया है। इस प्रकार प्रार्थी ने 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य किया है।

जहाँ तक केन्द्रीय बॉय का प्रश्न है विपक्षी साक्षी जगदीश प्रसाद ने अपने शपथ-पत्र में यह अभिकथन किया है कि प्रार्थी ने केन्द्रीय बॉय के रूप में स्थानीय क्रियान्वयन समिति के अधीन कार्य किया तथा इस समिति का बैंक से कोई सम्बन्ध नहीं है। यह मात्र कर्मचारी का क्लेम/एसोसिएशन है, जिस पर बैंक का कोई नियन्त्रण नहीं है। प्रार्थी प्रतिनिधि द्वारा की गई जिरह में भी इसने यह कहा कि 1-1-92 से 13-11-96 तक केन्द्रीय बॉय के रूप में कार्य किया। उपरोक्त कार्य का बैंक से कोई सम्बन्ध नहीं है। प्रार्थी ने भी ऐसी कोई साक्ष्य या दस्तावेज पेश नहीं किया कि जो केन्द्रीय या वह बैंक का हो तथा बैंक का उस पर नियन्त्रण हो तथा बैंक का केन्द्रीय से कोई सम्बन्ध हो। स्वयं प्रार्थी ने अपनी जिरह में यह बताया है कि बैंक मैनेजर ने चाय सामान खरीद कर लाने के लिये पैसे दिये थे और मैं खरीद कर लाया था, केन्द्रीय तो बैंक के कार्यरत स्टाफ का क्लेम है तथा जो बैंक में कार्यरत स्टाफ के चाय भरते के लिये होता है जिसका बैंक से कोई सम्बन्ध नहीं होता है। प्रार्थी ने अपनी जिरह में यह बताया है कि मैंने 1996 में चाय बनाने का व मेसेन्जर का काम किया करता था, लेकिन उसके स्वयं के मुख्य परीक्षण से विरोधाभासी तथ्य बताये हैं तथा इस सम्बन्ध में उसने 1991 तक मेसेन्जर के कार्य करने बाबत रिकार्ड पेश किया है। ऐसा कोई रिकार्ड भी पेश नहीं किया है इसलिये यह कथन विश्वसनीय नहीं है। केन्द्रीय बॉय का बैंक से कोई सम्बन्ध हो यह भी प्रार्थी की साक्ष्य नहीं है इसलिये केन्द्रीय बॉय (प्रार्थी) बैंक का कर्मचारी हो व बैंक उसका मिपोजक हो ऐसा भी कोई तथ्य प्रार्थी द्वारा सिद्ध नहीं करने से माने जाने योग्य नहीं है।

प्रार्थी द्वारा प्रार्थना-पत्र पेश कर बैंक की फ़िजीन बुक भी तलब कराई जिसकी फोटो स्टेट प्रति बैंक द्वारा प्रदर्श-10 पेश की गई जिसके सम्बन्ध में प्रार्थी प्रतिनिधि ने विपक्षी साक्षी से जिरह की है जिसमें विपक्षी साक्षी ने बयान दिया है कि वह यह नहीं बता सकता कि प्रदर्श-10 में ए से बी लिखित प्रार्थी के हाथ की हो। इस सम्बन्ध में प्रार्थी ने अपने शपथ-पत्र व क्लेम प्रार्थना-पत्र में भी ऐसा कोई तथ्य नहीं बताया, इसलिये भी यह नहीं माना जा सकता है कि प्रार्थी बैंक के अधीन मेसेन्जर का कार्य 1991 के बाद करता हो। जब स्वयं प्रार्थी का ऐसा कोई मुख्य परीक्षण/शपथ-पत्र में अभिवचन नहीं है कि वह 31-12-1991 के बाद मेसेन्जर का कार्य करता हो तो पश्चात्कर्ती किसी भी तथ्य पर विश्वास नहीं किया जा सकता। इसलिये यही माना जायेगा कि प्रार्थी ने विपक्षी बैंक में 1991 के बाद मेसेन्जर का कार्य नहीं किया, बल्कि केन्द्रीय बॉय का काम किया जिससे बैंक का कोई सम्बन्ध नहीं है। इसलिये विपक्षी बैंक द्वारा दिनांक 13-11-96 को प्रार्थी को सेवा

पृथक किया गया हो, वह माने जाने योग्य नहीं है। इसलिये बैंक द्वारा प्रार्थी को दिनांक 13-11-96 को सेवा पृथक नहीं किया गया है। इसलिये प्रार्थी कोई राहत व राशि प्राप्त करनेका अधिकारी नहीं रहता है।

प्रार्थी प्रतिनिधि द्वारा 2000 एल.आई.सी. पेज 1495 (सुप्रीम कोर्ट) इण्डियन ओवरसीज बैंक बनाम आई ओ बी स्टोक केन्टीन चर्कर युनियन का विधिक दृष्टान्त पेश किया है, लेकिन इस विधि दृष्टान्त वाले मामले में तो बैंक द्वारा उक्त केन्टीन बैंक परिसर में चलाया जाता था तथा हस्तगत प्रकरण में तो प्रार्थी गलियारे में केन्टीन चलाना बताता है तथा विधि दृष्टान्त वाले मामले में बैंक द्वारा फर्नीचर, बिजली, के अलावा बर्नर, बॉस बेसीन, गैस सिलेन्डर आदि दिया जाता था तथा बैंक का उस पर प्रशासकीय नियन्त्रण था जबकि हस्तगत प्रकरण में न तो बैंक के द्वारा कोई फर्नीचर, बिजली, गैस आदि सामान दिया जाता था न ही बैंक का उस केन्टीन पर प्रशासनिक नियन्त्रण था न ही ऐसी कोई साक्ष्य है। हस्तगत प्रकरण में तो प्रार्थी ने अपनी जिरह में यह भी स्वीकार किया है कि उसकी कोई हाजरी नहीं भरी जाती थी, जबकि किसी भी संस्थान में यदि कोई श्रमिक कार्य करता है तो उसकी हाजरी अवश्य ही भरी जाती है। इसलिये उक्त विधिक दृष्टान्त हस्तगत प्रकरण के तथ्यों से भिन्न होने से प्रार्थी को कोई नफ़ा नहीं करते हैं।

अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि प्रार्थी श्रमिक श्री कैलाश साल्गी को असिस्टेंट जनरल मैनेजर, स्टेट बैंक आफ इण्डिया, रीजन-II, जयपुर द्वारा दिनांक 13-11-96 को सेवा पृथक नहीं किया गया है। अतः श्रमिक कैलाश साल्गी कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है।

पंचाट प्रकाशनार्थ भारत सरकार के श्रम मंत्रालय को भेजा जाए।

उका अग्रवाल, पीठासीन अधिकारी

नई दिल्ली, 8 मार्च, 2006

का. आ. 1264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेवाड़ औद्योगिक प्रामीण बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, उदयपुर के पंचाट (संदर्भ संख्या 11/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/50/2001-आई. आर. (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 8th March, 2006

S.O. 1264.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (11/2001) of the Industrial Tribunal/Labour Court, Udaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mewar

Aanchalik Gramin Bank and their workman, which was received by the Central Government on 07-03-2006.

[No. L-12012/50/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राज.)
पीठासीन अधिकारी—उका अग्रवाल, आर. एच. जे. एस.

प्रकरण सं. 11/2001 श्रम कद

श्री भंवरलाल पालीवाल पुत्र श्री इन्दरलाल पालीवाल ब्राह्मण
निवासी सधार मादडा, पोस्ट राव मादडा, तहसील गोगुन्दा
जिला उदयपुर

—प्रार्थी

विरुद्ध

श्री अश्वक्ष (अनुसूचक प्राधिकारी),
मेवाड़ औद्योगिक प्रामीण बैंक, 22 गोविन्दपुरा कॉलोनी,
एमपीट रोड, उदयपुर (राज.)

—विपक्षी

उपस्थित :

प्रार्थी की ओर से : श्री सी. पी. शर्मा
विपक्षी की ओर से : श्री बी. एल. गुप्ता

पंचाट

दिनांक : 20-01-06

भारत सरकार के श्रम मंत्रालय नई दिल्ली की अधिसूचना सं. एल-12012/50/2001/आई आर (बी-I) दिनांक 14-05-2001 के द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनियम हेतु प्रेषित किया गया :—

"Whether the action of the Management of Mewar Aanchalik Gramin Bank, Udaipur in terminating the service of Shri Bhanwarlal Paliwal, Full Time Messenger, is justified? If not, what relief the workman is entitled to?"

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 17-07-2001 को नियमित श्रम कद सं. 11/2001 दर्ज रजिस्टर किया जाकर पक्षकारों को नोटिस जारी किये गये। जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार हैं कि प्रार्थी को विपक्षी द्वारा दिनांक 17-12-1994 को एक आरोप पत्र दिया जिसमें निम्न आरोप लगाये गये —

(क) आपने बैंक की सेवा ईमानदारी और निष्ठापूर्ण नहीं कर बैंक के हितों के विरुद्ध कार्य किया है, जो कि मेवाड़ औद्योगिक प्रामीण बैंक कर्मचारी वृंद सेवा विनियम, 1983 के विनियम सं. 19 के तहत गम्भीर अव्यवहार है।

(ख) आप सक्षम प्राधिकारी की अनुज्ञा प्राप्त किये बिना अपने कर्तव्य से दिनांक 20-5-94 से 25-12-94 तक अनुपस्थित रहे तथा अनुपस्थिति का संतोषजनक स्पष्टीकरण नहीं दिया जो कि मेवाड़ आंचलिक ग्रामीण बैंक कर्मचारी वृंद सेवा विनियम 1983 के विनियम संख्या 22 के तहत गम्भीर अवचार है।

(ग) आपने उपरोक्त विनियमों को गम्भीर रूप से भंग किया है तथा जान-बूझकर ऐसे कार्य किए हैं जो कि बैंक के लिए अत्यन्त हानिकर हैं। आपके ये कृत्य मेवाड़ आंचलिक ग्रामीण बैंक कर्मचारी वृंद सेवा विनियम, 1983 के विनियम 30(1) के तहत गम्भीर अवचार है।

उक्त आरोप-पत्र का प्रार्थी ने जवाब दिया तथा अपने आपको निर्दोष बताया। प्रार्थी के जवाब से असन्तुष्ट होकर विपक्षी द्वारा जांच बैठाई गई। जांच अधिकारी ने प्रार्थी को दोषी घोषित किया तथा जांच अधिकारी की रिपोर्ट के आधार पर प्रार्थी को विपक्षी के आदेश दिनांक 23-7-1996 द्वारा दण्डित कर सेवा से मुक्त कर दिया तथा साथ ही चार वेतन वृद्धियां संचयी प्रभाव से रोकने के दण्ड से भी दण्डित किया। प्रार्थी को जांच कार्यवाही के दौरान उसका पक्ष रखने का युक्तियुक्त मौका नहीं दिया। जांच अधिकारी द्वारा निकाला गया निष्कर्ष "अनुचित निष्कर्ष" है। प्रार्थी को अवैध एवं शून्य जांच कार्यवाही के आधार पर सेवामुक्त किया इसलिए प्रार्थी की सेवामुक्ति भी अवैध एवं शून्य है। प्रार्थी को एक ही आरोप-पत्र में वर्णित तीन आरोपों के लिए पृथक-पृथक अर्थात् आरोप नं. 1 के लिए पदच्युति, आरोप नं. 2 के लिए दो वेतन वृद्धि संचयी प्रभाव से रोकने तथा आरोप सं. 3 के लिए दो वेतन वृद्धि रोकने का दण्ड दिया जो दुर्भाग्यपूर्ण होने से निरस्त किए जाने योग्य है। प्रार्थी को 12 वर्ष की बेदाग सेवा के रहते हुए आदेश दिनांक 23-7-1996 द्वारा सेवा से पृथक कर दिया जो दण्ड क्वान्टम से अधिक होने से निरस्त किए जाने योग्य है। प्रार्थी को जिन गवाहों व तथ्यों के आधार पर जांच अधिकारी ने दोषी पाया, उन्हीं तमाम गवाहों व तथ्यों के आधार पर फौजदारी कानून के तहत सिविल न्यायालय (क.ख.) एवं न्यायिक मजिस्ट्रेट प्रथम वर्ग, गोगुन्दा ने प्रकरण सं. 203/94 रे. फौ. के अन्तर्गत धारा 457-380 भारतीय दण्ड संहिता में प्रार्थी को अपने आदेश दिनांक 6-8-99 द्वारा दोषमुक्त कर दिया। प्रार्थी सेवा पृथक दिनांक से आज तक बेरोजगार है। सेवामुक्त किए जाने के बाद प्रार्थी ने विपक्षी को 15-2-2000 को रजिस्टर्ड प्रतिनिधित्व भी दिया जिसका विपक्षी ने कोई जवाब नहीं दिया। इसलिए समझौता अधिकारी के समक्ष विवाद उठाया व वार्ता असफल होने पर केन्द्र सरकार ने औद्योगिक विवाद मानते हुए निर्णयार्थ प्रेषित किया। इसलिए प्रार्थी की है कि प्रार्थी को दिया गया दण्ड अनुचित एवं अवैध है तथा प्रार्थी उसे सेवा पृथक किए जाने की दिनांक से पुनः सेवा में लिये जाने तक के समस्त वेतन-भत्तों आदि लाभ प्राप्त करने का अधिकारी है तथा जो 4 वेतन वृद्धियां रोकी गई वह प्राप्त करने व पुनः सेवा में लिए जाने का अधिकारी है अतः उक्त आशय का प्रार्थी के पक्ष में अर्वाह जारी किया जाए।

विपक्षी ने अपने जवाब में निम्न स्टेटमेंट आफ डिफेन्स पेश की है कि विपक्षी बैंक में 1-6-93 से पूर्णकालिक संदेश वाहक के पद पर

नादेशमा शाखा में आदेश सं. 522 से नियुक्त किया। दिनांक 11-5-94 को मध्य रात्रि में नादेशमा शाखा बैंक के लॉकर खोलकर बैंक की सेफ में से 21627.70 पैसा तथा जसवन्तगढ़ ब्रान्च की सेफ की चाबियों का पैकेट चुरा लिया जिस पर बैंक के शाखा प्रबन्धक द्वारा पुलिस स्टेशन गोगुन्दा में दिनांक 12-5-94 को चोरी की सूचना दर्ज कराई व बैंक द्वारा चोरी के लिए एम. एल. माहेश्वरी से जांच कराई जिससे दिनांक 14-5-94 को अपना प्रतिवेदन प्रस्तुत किया। प्रार्थी को बैंक ने 26-10-94 से पत्र सं. 917 से कारण बताओ नोटिस दिया जिस पर प्रार्थी ने 1-11-94 को प्रार्थी ने चोरी की वारदात करना व चोरी की राशि पुलिस को बरामद कराना स्वीकार करते हुए क्षमायाचना की। जिस पर प्रार्थी को 17-12-94 को मेवाड़ आ. प्रा. बैंक विनियमन सं. 19, 22, 30 (1) के अन्तर्गत गम्भीर दुराचरण के लिए आरोप पत्र दिया तथा जांच शुरू होने के 3 दिन पूर्व जांच अधिकारी श्री डी. आर. रावल को अपना पक्ष व स्पष्टीकरण प्रस्तुत करने को कहा। जिस पर जांच अधिकारी श्री रावल ने प्राकृतिक न्याय के नियमानुसरण की पालना करते हुए जांच सम्पन्न कर दिनांक 5-4-96 को प्रार्थी को उक्त आरोपों का दोषी पाते हुए जांच प्रतिवेदन प्रस्तुत किया। सक्षम अधिकारी द्वारा पत्र दिनांक 11-4-96 से प्रार्थी को जांच प्रतिवेदन की प्रति उपलब्ध कराते हुए कारण बताओ नोटिस जारी किया जो प्रार्थी ने 19-4-96 को प्राप्त किया किन्तु कोई लिखित में स्पष्टीकरण प्रस्तुत नहीं किया। फिर द्वितीय नोटिस 5-6-96 को जारी किया जिसकी पालना में प्रार्थी ने 28-6-96 को सक्षम अधिकारी के समक्ष उपस्थित होकर मौखिक स्पष्टीकरण प्रस्तुत किया। जिस पर विचार कर गम्भीर कदाचरण के कारण बैंक की विश्वसनीयता खो देने के कारण प्रार्थी को दिनांक 23-7-96 को सेवा से पृथक करने का आदेश पारित किया। फौजदारी न्यायालय द्वारा प्रकरण सं. 203/94 में संदेह का लाभ देकर दोषमुक्त किया है और प्रार्थी ने इस आधार पर बैंक की सेवा में पुनः लिए जाने के सम्बन्ध में औद्योगिक विवाद उठाया है प्रार्थी ने बैंक की तिजोरी से रुपया व जसवन्तगढ़ सेफ की चाबियाँ बदलियति से चुराई तथा विपक्षी बैंक ने प्रार्थी में विश्वास खो दिया है उस कारण माननीय सर्वोच्च न्यायालय एवं माननीय राज. उच्च न्यायालय द्वारा प्रतिपादित न्यायिक दृष्टांत के आधार पर प्रार्थी बैंक की सेवा में पुनः आने का अधिकारी नहीं रहता है।

विपक्षी ने मेवाड़गढ़ जवाब में यह अंकित किया है कि प्रार्थी को बैंक द्वारा आरोप पत्र प्रदर्श-3 दिनांक 17-12-94 दिया गया जिसका प्रार्थी ने कोई जवाब नहीं दिया जिस पर डी.आर. रावल को जांच अधिकारी नियुक्त कर जांच कार्यवाही की गई। प्रार्थी ने बचाव प्रतिनिधि नियुक्त करने से इन्कार किया तथा स्वयं अपना पक्ष प्रस्तुत किया। प्रार्थी ने बैंक की चोरी करना तथा जसवन्तगढ़ सेफ की चाबियाँ चुराना स्वेच्छापूर्वक स्वीकार किया। जांच प्रतिवेदन दिनांक 5-4-96 को प्रदर्श-4 प्रस्तुत किया। जिसकी प्रति प्रदर्श-5 से रजिस्टर्ड डाक से प्रार्थी को भिजवाई व प्रार्थी ता. 19-4-96 को तामील कराई। प्रार्थी ने पत्र प्राप्ति के बाद भी कोई डिफेन्स प्रस्तुत नहीं की जिस पर सक्षम अधिकारी ने जांच अधिकारी के निष्कर्ष से सहमत होते हुए आरोप सं. 1 के सम्बन्ध में पदच्युति तथा आरोप सं. 2 व 3 के सम्बन्ध में 2 व वेतनवृद्धि संचयी प्रभाव से रोकने का दण्ड प्रस्तावित करते हुए प्रार्थी को यदि प्रस्तावित दण्ड की प्रकृति के विरुद्ध कोई कारण बताना चाहता है तो

दिनांक 28-6-96 को व्यक्तिगत रूप से उपस्थित होकर अवसर प्रदान किया। जो कारण बताओ नोटिस प्रदर्श-6 है व प्रार्थी को समुचित सुनवाई का अवसर देकर प्रार्थी के कृत्यों को देखते हुए प्रस्तावित दण्ड में किसी प्रकार की रियायत का पात्र नहीं पाया। व आदेश दिनांक 23-7-96 प्रदर्श-7 द्वारा उसकी सेवा समाप्त कर दी गई। इस प्रकार प्रार्थी ने बैंक की विश्वसनीयता खो दी है इस कारण प्रार्थी पुनः सेवा में आने का अधिकारी नहीं है व कोई राहत पाने का अधिकारी नहीं है। अतः उसका प्रार्थना पत्र संव्यय निरस्त किये जाने की प्रार्थना की है।

उभय पक्षों की श्रमिक के विरुद्ध की गई घरेलू जांच की वैधता पर अब उसमें दी गई सजा के बिन्दु पर बहस सुनी गई। पत्रावली का व उपलब्ध दस्तावेजों का अवलोकन किया गया।

बहस के दौरान मह तथ्य सामने आया कि भारत सरकार के श्रम मंत्रालय द्वारा जो विवाद/प्रसंग इस न्यायालय को प्रेषित किया गया है उसमें प्रार्थी श्रमिक को किस दिनांक को सेवा पृथक किया गया है यह अंकित नहीं है तथा इसके अभाव में यह न्यायालय यह निर्णय नहीं कर सकता है कि प्रार्थी को किस दिनांक को उस पर लगाये गये आरोप के कारण सेवा पृथक किया गया है। प्रार्थी ने प्रसंग को संशोधित कराने या उसमें शुद्धि कराने का कोई प्रयास भी नहीं किया है। श्रम न्यायालय का अधिकार क्षेत्र राज्य सरकार या केन्द्र सरकार के द्वारा प्रेषित प्रसंग से जुड़ा है। प्रेषित प्रसंग से परे जाकर यह न्यायालय प्रकरण का निस्तारण नहीं कर सकती है। यदि यह न्यायालय स्वैच्छा से सेवा पृथक दिनांक जोड़ती है या निर्णय पारित करती है तो ऐसा निर्णय न्यायालय के अधिकार क्षेत्र के बाहर पारित किया जाना माना जाएगा व मान्य नहीं होगा। यह न्यायालय पक्षकारों की सहमति से या प्रार्थी के कथनानुसार भी सेवा पृथक दिनांक को स्वीकार कर निर्देश की शर्तों में सुधार, संशोधन, उपरान्तरण करने हेतु सक्षम नहीं है। ये ही दिशा निर्देश विधि दृष्टान्त 2003 डब्ल्यू.एल.सी. (राज.) यू.सी. पेज 424 महावीर कन्डक्टर बनाम नंद किशोर में तथा माननीय उच्चतम न्यायालय द्वारा पारित निर्णय ए.आई.आर. 1981 (सुप्रीम कोर्ट) पेज 1626 ए.सी. गुप्ता बनाम डी. तुलजापुरकर से प्राप्त होते हैं। इसलिए भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग दूषित होने के कारण निस्तारण योग्य नहीं होने से खारिज किया जाता है।

अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि श्रमिक श्री भंवरलाल पालीवाल को प्रबन्धक मेवाड़ आंचलिक ग्रामीण बैंक, उदयपुर द्वारा सेवा से पृथक किया जाना उचित एवं वैध है या नहीं इस बाबत प्रेषित प्रसंग में दिनांक अंकित न होने के कारण दूषित होने से इस न्यायालय के निस्तारण योग्य न होने से खारिज किया जाता है। अतः प्रार्थी भंवरलाल कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है।

अतः पंचाट प्रकाशनार्थ राज्य सरकार को भेजा जावे।

उषा अग्रवाल, पीठासीन अधिकारी

नई दिल्ली, 8 मार्च, 2006

का. आ. 1265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसोसिएटेड स्टोन

इण्डस्ट्रीज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट (सदर्भ संख्या 25/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-03-2006 को प्राप्त हुआ था।

[सं. एल-29012/37/1999-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th March, 2006

S.O. 1265.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 25/99 of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the management of M/s. Associated Stone Industries (Kotah) Ltd. and their workmen, which was received by the Central Government on 08-03-2006.

[No. L-29012/37/1999-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी : श्री के. के. गुप्ता, आर.एच.जे.एस.

रेक्रेन्स प्रकरण क्रमांक : औ. न्या./केन्द्रीय/25/99

दिनांक स्थापित : 13-9-99

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश [संख्या एल-29012/37/99/आई आर (एम)] दिनांक 24-8-99

रेक्रेन्स अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

लक्ष्मीनारायण पुत्र श्री गंगाराम द्वारा राष्ट्रीय मजदूर संघ द्वारा जनरल सेक्रेटरी, रामगंजमण्डी, कोटा।

... प्रार्थी श्रमिक

एवं

प्रबन्धक, एसोसिएटेड स्टोन इण्डस्ट्रीज लि., रामगंज मण्डी, कोटा।

... अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री रामगोपाल गुप्ता

अप्रार्थी नियोजक की ओर से प्रतिनिधि : श्री रमेश राठौर

अधिनिर्णय दिनांक

: 13-1-06

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश दिनांक 24-8-99 के जरिये निम्न रेक्रेन्स, औद्योगिक विकास अधिनियम, 1947

(जिसे तदुपरान्त "अधिनियम" से संबोधित किया जायेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित दिया गया है :

"Whether the action of the management of Associated Stone Industries (Kota) Ltd., Ramganjmandi, to deny the post and scale of JCB Operator-cum-Junior Mechanic to Shri Laxmi Narayan S/o Shri Gangaram Helper is legal and justified? If not, to what relief the claimant is entitled and from which date?"

2. रेफ्रेन्स, न्यायाधिकरण से प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी। पक्षकारों की ओर से अपने-अपने अभ्यावेदन प्रस्तुत किये गये।

3. पत्रावली 10-1-06 को प्रार्थी जिरह हेतु नियत थी, परन्तु प्रार्थी श्रमिक स्वयं लक्ष्मीनारायण मय प्रतिनिधि श्रीरामगोपाल गुप्ता मंत्री यूनियन एवं अप्रार्थी प्रबन्धक श्री नीरज चतुर्वेदी व एन.एस. सिसोदिया मय अधिकृत प्रतिनिधि श्री रमेश राठौर ने संयुक्त रूप से एक प्रार्थना-पत्र के साथ समझौता-पत्र प्रस्तुत कर यह निवेदन किया कि लम्बित रेफ्रेन्स प्रकरण ने पक्षकारों के मध्य लोक न्यायालय की भावना से प्रेरित होकर आपसी समझौता सम्पन्न हो गया है जिसकी शर्त संख्या 1 लगायत 5 में वर्णितानुसार प्रार्थी श्रमिक लक्ष्मीनारायण को अप्रार्थी द्वारा दिनांक 1-1-06 से मेकेनिक/ऑपरेटर के पद पर पदोन्नत कर दिया जायेगा, उसे कुशल श्रेणी का वेतन व भारत सरकार द्वारा घोषित वी.डी.ए. दिया जाएगा तथा एक्सग्रेसिया के बतौर रुपये 7000/- की राशि जरिये चैक बी.यू. 899979 दिनांकित 5-1-06 भी दी जा रही है। जिसकी प्राप्ति रसीद भी श्रमिक ने दे दी है। चूंकि यह समझौता नियमानुसार फार्म "एच" में विधिवत रूप से सम्पन्न हो गया है और समझौते उपरान्त सभी उत्पन्न विवाद समाप्त हो गये हैं, अतः समझौते के आधार पर अधिनिर्णय पारित कर दिया जावे।

4. चूंकि पक्षकारों के मध्य लम्बित रेफ्रेन्स/विवाद के संबंध में उपरोक्त प्रकार से विधिवत रूप से आपसी समझौता सम्पन्न हो गया है और समझौते उपरान्त उनके मध्य उत्पन्न सभी विवाद समाप्त हो गये हैं, अतः वह इसके अतिरिक्त अन्य कोई अनुतोष प्राप्त करने का अधिकारी नहीं है और प्रस्तुतशुदा समझौते के आधार पर सम्प्रेषित रेफ्रेन्स को इसी प्रकार से अधिनिर्णय दर उत्तरित किया जाता है।

के.के.गुप्ता, न्यायाधीश

नई दिल्ली, 9 मार्च, 2006

का. आ. 1266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 100/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/7/93-आई. आर. (बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 9th March, 2006

S.O. 1266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 08-03-2006.

[No. L-12012/7/93-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/100/93

Shri C. M. Singh, Presiding Officer.

The General Secretary,
Bank of Baroda Employees Trade Union Congress,
22, Vikas Nagar,
Vardha Road,
Nagpur-440010.

... Union/workman

V/s

The Regional Manager,
Bank of Baroda,
W.H.C. Road,
Dharmapeth, Nagpur-440010.

... Management

AWARD

Passed on this 24th day of Feb., 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/7/93-IRB II dated 12-5-1993 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Bank of Baroda in dismissing Shri Subhas B. Boharia from the service of the Bank was justified? If not, what relief, Shri Boharia is entitled to?"

2. The case of workman Shri Subhas B. Boharia, in brief, is as follows. That he was employed with the management, the Regional Manager, Bank of Baroda, West High Court Road, Dharmapeth, Nagpur-10 as cashier-cum-clerk in the year 1982 and joined at Bhilai branch. Thereafter he was transferred to Nagpur Dharmapeth branch. The management issued a charge-sheet dated 20-2-1987 for which a domestic enquiry was conducted. The enquiry so conducted against the workman was nothing but mimicry in the eye of law. The enquiry officer was requested to supply the documents mentioned in the charge-sheet but the same were not made available to the workman and therefore the enquiry was conducted is prima facie illegal

and contrary to law. The enquiry was not conducted by an independent person and the enquiry officer being an employee of the Bank having vested interest and relations with the officers who have issued the charge-sheet to the workman. The enquiry officer has intentionally suppressed the workman from defending himself by fixing the date so early and without informing the workman the dates of enquiry in time, therefore the enquiry officer violated the principles of natural justice. Because the required documents were not supplied to the workman therefore he could not submit his detailed representation/reply against the charge-sheet. The enquiry officer proceeded ex parte in the proceeding on 12-6-1987 and concluded the enquiry on the same date. It clearly shows that the enquiry officer was in haste to complete the enquiry proceedings depriving the first party to defend himself. The enquiry officer having information that an application for adjournment of the enquiry proceeding was submitted, even then he proceeded ex parte and concluded it. The workman was given a date of 8th August, 1987 to submit his representation if any. The workman submitted his representation on 7-8-1987 but the same was not considered and the workman was not given an opportunity of further hearing. Not only this, the ex parte orders were not set-aside and the enquiry officer gave its finding on 31-8-1987. The workman was given a personal hearing before passing the order of punishment in which the workman appeared before the management in person on 27-6-1988 and submitted his detailed explanation with full satisfaction against the charges but surprisingly his submissions were dismissed vide order dated 2-8-1988. The charges levied against the workman do not involve major misconduct and therefore no such punishment could be awarded to him. The domestic enquiry conducted against the workman was not proper and legal therefore his dismissal order is liable to be set aside.

3. The management contested the reference and filed their Written Statement. The case of the management, in brief, is as follows. That workman Shri Subhas B. Boharia joined on 6-4-1981 as cashier-cum-clerk at Bhilai branch, MP and thereafter he was transferred to Dharmapeth Branch, Nagpur on request. The charge-sheet dated 20-2-1987 was issued to him for the misconduct alleged in the charge-sheet. The enquiry was conducted as per procedure and rules laid down in Bipartite Settlement. The documents mentioned in the charge-sheet were supplied to the workman during the enquiry proceedings held on 24-8-1987 and the date for inspection of documents were fixed for 7-5-1987 to 9-5-1987. The workman did not present himself for inspection of documents on 7-5-1987, 8-5-1987 and 9-5-1987. Again last chance was given to him for inspection of documents on 8-6-1987 but on this date also, he remained absent. The Chairman and Managing Director has conferred the powers of the Disciplinary Authority for the Award staff to the Regional Manager in terms of clause 19.14 of the Bipartite Settlement (Industry level settlement

between Indian Bank Association and Unions). The Disciplinary Authority can himself hold enquiry or he may appoint any Officer as Enquiry Officer for holding the enquiry. According to the Disciplinary Authority, Regional Manager (V&M Region) had appointed Mr. S. T. Wakhare, Senior Branch Manager, Sitabuldi Branch, Nagpur to conduct a departmental enquiry against the workman. The workman participated in the enquiry only on 28-4-1987 and remained absent on 12-5-1987, 26-5-1987 and on 12-6-1987 and thereafter the enquiry was conducted ex parte against him on 12-6-1987. The Enquiry Officer vide his letter dated 24-6-1987 directed workman Shri Boharia to submit his statement of defence latest by the end of July 1987. The dates of enquiry proceedings were duly informed to workman Shri Boharia. The details are as under :—

Notice dated	Fixing enquiry proceedings on
26-5-1987	12-6-1987
12-5-1987	26-5-1987
28-4-1987	12-5-1987
9-4-1987	28-4-1987
16-3-1987	28-3-1987

Sufficient opportunity was given to the workman to participate in the enquiry and to defend himself but he deliberately did not appear on several dates fixed for enquiry. The workman was given opportunity on 1-2-1988, 22-2-1988, 26-4-1988, 2-5-1988, 19-5-1988 to showcause (hearing) against the proposed punishment. But the workman failed to present himself for hearing on the above dates except on 26-4-1988. His request made on 27-6-1988 during hearing on point of proposed punishment for further time for submitting his case was rejected on merit on 27-6-1988 itself. As per the provisions/rules of the Bipartite Settlement, the workman has failed to prefer/submit appeal against the order of Disciplinary Authority dated 2-8-1988 within 45 days from the receipt of the order to the Appellate Authority i.e. Assistant General Manager, Pune. He submitted his mercy appeal vide letter dated 27-12-1990 to the Appellate Authority, Pune. The Appellate Authority though the appeal was time-barred gave the workman hearing on the appeal on 21-5-1991. The workman along with his defence representative Shri P.S. Ingle attended the hearing of appeal on 21-5-1991 at Pune. He requested to take a lenient view in the mercy appeal vide letter dated 21-5-1991. The Appellate Authority on consideration his submission, record of proceedings, documents etc. passed the order dated 5-8-1991 dismissing the appeal and upheld the order of punishment. The enquiry conducted by the Disciplinary Authority was within jurisdiction as per Bank's provisions and Bipartite Settlement. The enquiry conducted was just, legal and proper. In the instant case the workman i.e. the official misappropriated the amounts handed over to him by as many as 21 borrowers/customers and there

are as many as 82 instances wherein he has misappropriated the amounts. In 11 cases, he collected the amount and deposited the amounts in the bank after a lapse of considerable period of time and there are as many as 41 such cases/instances. Further in some cases, he took custody of original pass-books unauthorisedly which were issued to MSA borrowers and issued fabricated duplicate pass-book to them. After conducting a departmental enquiry, it was found that all the charges levelled against the Appellant were proved. It has been submitted on behalf of the management that there is no merit in the instant case and the same is liable to be dismissed.

4. It appears from the order sheet of this reference that on 28-6-2001, my learned predecessor-in-office heard Shri Chandok, Advocate for workman and Shri A. K. Shashi, Advocate for management on the preliminary point, whether the departmental enquiry conducted against the workman is just and proper gave his detailed finding vide order dated 28-6-2001 and concluded that the departmental enquiry conducted against the workman is just and proper and it does not suffer from any illegality.

5. I have heard Miss R. Nair, Advocate for workman and Shri A. K. Shashi, Advocate for management on the point of punishment awarded to the workman. I have very carefully gone through the entire evidence on record. It has been submitted by the learned counsel for the workman that his dismissal from service is not justified and he should be awarded lesser punishment in lieu of dismissal. Against the above, the learned counsel for the management submitted that it is not a fit case in which this tribunal should exercise its jurisdiction under Section 11-A of the I.D. Act, 1947 for awarding lesser punishment than the dismissal of workman from service.

6. The learned counsel for the workman submitted that the extreme penalty of dismissal without consideration of several years unblemished service rendered by the delinquent is at all not justified and in this regard he placed reliance on 2003-LAB. I.C. 3417 (Delhi High Court) in the case of Chamanlal V/s. State Bank of India and on 2003-LAB. I.C. 3146 (Supreme Court) in the case of Dev Singh V/s. Punjab Tourism Development Corporation Ltd., and another. Against the above, the learned counsel for the management submitted that this tribunal is not a court of appeal, no abuse of power has been done by the Disciplinary Authority in awarding the punishment of dismissal to the workman and therefore the tribunal cannot substitute its decision when the enquiry is held according to rule and due punishment has been awarded to the workman. In this respect he placed reliance on AIR 1998-SC-300 in the case of Union of India and others versus Srivastava B. K. The learned counsel for the management also submitted that the quantum of proposition of stolen property cannot be taken as a criterion to condone the dishonest act of theft which is amounting to grave

misconduct. In this respect he placed reliance on 2001-LLR-407 (Madras High Court) in the case of Prasad Film Laboratories versus Presiding Officer, Principal Labour Court, City Civil Court Building Madras and another. He also submitted that once the act of misappropriation is proved, may be for a small or large amount, there is no question of showing uncalled for sympathy and reinstating the employee in service. In this respect he placed reliance on (2000) 7 SCC-517 in the case of Janatha Bazar (South Kanara Central Cooperative Wholesale Stores Ltd.) and others versus Secretary Sahakari Nukarara Sangh and other. I have very carefully gone through the law cited by the parties in respect of their respective conditions. It has been held in 2003-LAB-IC-3417 cited above that normally this court would not substitute a punishment awarded by the Disciplinary Authority, but in this case from the perusal of the order of Appellate Authority while coming to a conclusion that no loss has been caused to the Bank, Appellate Authority has not stated that why the dismissal may not be substituted. That 30 years of service rendered by the petitioner from 1955 to 1985 when show-cause was issued has been washed away. And observing like this, the Honourable Delhi High Court quashed the order of dismissal and ordered that the petitioner shall be treated as compulsorily retired. The facts involved in 2003-LAB. IC. 3146 (SC) are quite different from the facts involved in this case. In the law cited above, the appellant while serving as Sr. Assistant in the respondent corporation was subjected to a Disciplinary enquiry on the ground that he was responsible for the misplacement of a file which was entrusted to him, which according to the Corporation amounted to a misconduct under By-law 18 of the Punjab Tourism Development Corporation Ltd., Service By-laws. In the enquiry that was held pursuant to the above-said charge, the appellant was found guilty of the said misconduct and the disciplinary authority as per his order dated 6th November, 2001 while confirming the finding of the Inquiry Officer found the case to be a fit one in which a punishment of dismissal was called for and accordingly he ordered the dismissal of the appellant from the service of the Corporation with immediate effect. Under the above circumstances, it was held by the Honourable Supreme Court of India that the punishment awarded was disproportionate to the misconduct and shocks the judicial conscience. The Honourable Supreme Court modified the punishment to withholding one increment including stoppage of efficiency bar since the facts involved in the law cited above are quite different from the facts of this reference therefore I am of the considered opinion that the law cited 2003 LAB-I.C. 3146 (SC) is not applicable to this reference.

7. It has been held in AIR-1998-SC-300 cited above by the learned counsel for the management that it is no part of function of the tribunal to substitute its own decision when enquiry is held in accordance with rules and

punishment is imposed by the authorities considering all relevant circumstances and which it is entitled to impose. In the case at hand, it has been held by my learned predecessor in office that the departmental enquiry conducted against the workman is just and proper. I have very carefully gone through the evidence on record and I am of the considered opinion that the punishment has been imposed by the Disciplinary Authority considering all the relevant circumstances and which it is entitled to impose. Therefore considering the law cited above, I am of the considered view that this tribunal should not substitute its own decision for awarding lesser punishment to the delinquent.

8. The following has been held in 2001-LLR-407 by Honourable Madras High Court in the law cited on behalf of the management—

“The quantum or the proposition of the stolen property being small cannot be taken as a criterion to condone the dishonest act of theft which is amounting to grave misconduct. It is settled law that unless the gravity of the offence is first analysed, it is not proper for the Labour Court to hold that the punishment was disproportionate.”

In the instant case the official misappropriated amounts handed over to him by as many as 21 borrowers/customers and there are as many as 82 instances wherein he has misappropriated the amounts. That in 11 cases, he collected the amounts but deposited the amounts with the Bank after a lapse of considerable period and there are as many as 41 such cases/instances. That further in some cases he took custody of original pass books unauthorisedly which were issued to MSA borrowers and issued fabricated duplicate pass book to them. After conducting a departmental inquiry, it was found that all the charges levelled against the workman were proved. The above charges levelled and proved against the workman clearly indicate that he is guilty of serious misconduct and I am of the considered opinion that he has been rightly punished.

9. The following has been held in 2000(7) SC cases-517-the law cited above on behalf of the management—

“After finding that charges against the workmen for breach of trust and misappropriation of funds entrusted to them for the value mentioned in the chargesheet had been established, the Labour Court materially erred in setting aside the order passed by the management removing the workmen from service and reinstating them with 25% back wages. Once an act of misappropriation is proved, may be for a small or large amount, there is no question of showing uncalled for sympathy and reinstating the employees in service.”

10. Considering the law cited above, I am of the view that the Disciplinary Authority has awarded adequate punishment to the workman of his dismissal from service and it calls for no interference by this tribunal.

11. In view of the foregoing discussions, it is held that the action of the management of Bank of Baroda in dismissing Shri Subhas B. Boharia from service of the Bank was justified and he is not entitled to any relief.

12. The reference is, therefore, answered accordingly in favour of the management and against the workman. Considering the circumstances, the cost of this reference should remain easy. The parties shall bear their own costs of this reference.

13. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer.

नई दिल्ली, 9 मार्च, 2006

का. अ. 1267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स विन्सन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (सदर संख्या 2/42/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-03-2006 को प्राप्त हुआ था।

[सं. एल-31011/13/2000-आई. आर. (एम)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 9th March, 2006

S.O. 1267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/42/2001) of the Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure, in the industrial dispute between the management of M/s. Vinson and their workmen, which was received by the Central Government on 08-03-2006.

[No. L-31011/13/2000-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

Justice Ghanshyam Dass, Presiding Officer.

Reference No. CGIT-2/42 of 2001

PARTIES

Employers in relation to the management of M/s.
Vinsons

AND

Their workmen

APPEARANCES:

For the Management : Mr. A. K. Ovalekar, Adv.

For the workmen : Workmen present

STATE: Maharashtra

Mumbai dated the 16th day of February, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi, Order No. L-310117/13/2000(IR)(M) dated 27-3-2001. The terms of reference given in the schedule are as follows:

"Whether the action of the management of M/s. Vinsons Mumbai in retrenching 26. All Purpose Mazdoors as listed in the Annexure w.e.f. 31-7-2000 is legal and justified? If not, to what relief the workmen are entitled?"

2. During the pendency of the instant reference, all the workmen except Late Raja Ram Singh, Jaibahadur Gurav, Bhulai Prasad Nanhakoo, Shriram Dukhi Rajbar, Ramawadh, Rajbali, Ramakant Nagdu, and Mohammad Iqbal have settled out their dispute with the Company M/s. Vinsons and to that effect the information is being given to the Tribunal. The matter is being contested only by the aforesaid seven workmen, who too have settled out their dispute with the Company for which each of the aforesaid workmen has filed an application in writing, quoting the settlement with the Company and stating explicitly that no dispute is pending with the Company. After the death of Raja Ram Singh, his widow Menaka Singh is substituted. She along with other contesting workmen have appeared in person before me, duly identified by Mr. R. R. Singh and the application has the endorsement of 'No Objection' from the Union through which the dispute was raised. The record goes to show that the Union had already moved in writing before this Tribunal that each and every workman is independent of the Union and the Union takes away its hands from the claim.

3. In view of the Settlement of the workers directly with the Company, nothing is left to be decided in this reference.

4. The reference is accordingly dismissed.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 10 मार्च, 2006

का. आ. 1268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में. मॉडर्न फूड इण्डस्ट्रिज (आई) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ

संख्या सीजीआईटी ए. 87/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/92/97-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGITA-87/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Modern Food Industries (I) Ltd. and their workmen which was received by the Central Government on 10-03-2006.

[No. L-42012/92/97-IR(DU)]

SURENDRA SINGH, Desk Officer.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
AHMEDABAD**

PRESENT

Shri B. I. Kazi, B.Sc., LL.M., Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 87/04

Old (I.T.C.) No. 46/98

The Manager,
Modern Food Industries Ltd.,
G.I.D.C. Naroda,
Ahmedabad Gujarat-380 001.

...First Party

V/s.

Shri Ashok B. Parmar & Shri Dilip Rathod,
C/o. General Pottery Labour Union,
Nr. Govt. D. Colony, Naroda,
Ahmedabad (Gujarat)

...Second Party

APPEARANCES:

First Party : Shri C. S. Naidu

Second Party : Absent

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-42012/92/97/IR(DU) dated 28-5-1998 to this Tribunal for adjudication the terms of reference is as under:

SCHEDULE

"Whether the action of the management of M/s. Modern Foods Industries (I) Ltd. is justified in not considering S/Shri Dilip S. Rathod and Ashok B.

Parmar as their employees and whether the termination of their services w.e.f. 25-04-1996 is justified? If not, what relief the workmen concerned are entitled to?"

3. The second party has submitted a statement of claim by Ex. 7 and first party has submitted written statement by Ex. 9. It was submitted by the first party that there was no employer's employee relationship between the parties and the concerned workmen according to the information were employees of the contractor Shri B. J. Shrimali.

4. Previously reference was dismissed by the Tribunal by order dated 29-11-1999. Then after the reference was restored by Mis application No. 6/00. However, present reference transferred to this Tribunal. Though sufficient opportunity was given to the second party to proceed with the matter, but the second party failed to proceed with the matter and did not prove the case. Thus there is no alternative for this Tribunal but to reject the reference for want of prosecution. Hence I hereby pass the following order:

ORDER

The reference is hereby dismissed for want of prosecution. The reference is dismissed accordingly. No order as to cost.

Date: 22-08-2005
Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 10 मार्च, 2006

का. आ. 1269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के संघर्ष संख्या सीजीआईटीए-564/04 को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2006 को प्राप्त हुआ था।

[सं. एल-40012/13/2003-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGITA-564/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of D/o. Post and their workmen, which was received by the Central Government on 10-03-2006.

[No. L-40012/13/2003-IR(D.U.)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi, B.Sc., L.L.M., Presiding Officer.

Industrial Dispute (Reference C.G.I.T.A.) No. 564/04

Old (I.T.C.) No. 38/2003

1. Sr. Supdt. of Post Offices,
Bhavnagar Division,
Bhavnagar (Gujarat).

2. The Chief Post Master General,
Gujarat Circle, Khanpur,
Ahmedabad (Gujarat)-380 001. ...First Party

V/s.

The Org. Secretary, The Association of Railway
and Post Employees 15, Shashi Apartment,
Nr. Anjalee Cinema, Vasma Road,
Ahmedabad (Gujarat). ...Second Party

APPEARANCES:

First Party : Shri R. S. Munshy

Second Party : Absent

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40012/13/2003-IR(DU) dated 23-06-2003 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Sr. Supdt. of Post Offices, Bhavnagar in terminating/discontinuing the service of Shri Chetankumar Chhaganlal Gundigara, Ex. EDBPM, Malanka EDBO w.e.f. 21-12-1993 orally without following the due procedure under the provisions of the I.D. Act, 1947 is proper and justified? If not what relief the concerned workman is entitled for and since when?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 5-8-2003. The date to file the statement of claim was 22-08-2003. The appropriate Government has also directed the second party who raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of

claim after 2½ years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in dispute. Thus the second party has failed to prove that his termination on 21-12-1993 orally without following the due procedure under the provisions of the I.D. Act, 1947 is improper and unjust.

Looking to the above observations I hereby pass the following order :

ORDER

The action of management of Sr. Supdt. of Post Offices, Bhavnagar in terminating/discontinuing the service of Shri Chetankumar Chhaganlal Gundigara, Ex. EDBPM, Malanka EDBO w.e.f. 21-12-1993 is proper and justified. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date :22-08-2005. B. I. KAZI, Presiding Officer
Ahmedabad.

नई दिल्ली, 10 मार्च, 2006

का. आ. 1270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए-461-04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2006 को प्राप्त हुआ था।

[सं. एल-40012/335/2000-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGITA-461/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Telecom and their workman, which was received by the Central Government on 10-3-2006.

[No. L-40012/335/2000-IR (D.U.)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

Present :

Shri B.I. Kazi (B.Sc., LL.M.), Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 461/04

OLD (I.T.C.) No. 10/2002

The Chief General Manager,
Telecom Gujarat Circle,
Ahmedabad 380 001.

... First Party

V/s.

Sh. K.G. Jadav,
C/o R.C. Pathak,
4, Deeplex Apts. Lad Society Road,
Nehru Park, Vastrapur,
Ahmedabad 380 015.

... Second Party

Appearance

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by Order No. L-40012/335/2000-IR(DU) dated 12/02/2002 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the demand of Sh. K.G. Jadav, a workman in the management of Telecom for reinstatement in his original post with full back wages and with continuity of service and with all consequential benefits including the benefit of regularization with all arrears is just and legal ? If so, what relief the concerned workman is entitled ?

2. The second party was issued a notice to file the statement of claim by this Tribunal on 02-04-02. The date to file the statement of claim was 30-04-2002. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant documents and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party is failed to submit a statement of claim after 2 years 11 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the second party has not proved his case.

Looking to the above observations I hereby pass the following order :

ORDER

The demand of Sh. K.G. Jadav, a workman in the management of Telecom for reinstatement in his original post with full back wages and with continuity of service and with all consequential benefits including the benefit of

Company is engaged in manufacture and sale of fertilizers. The petitioner was involved in illegal and unlawful activities inside and outside the Company which warranted to initiate disciplinary proceedings. The Petitioner has involved in a private business activity without obtaining the permission of the Company and also involved in the misappropriation of the public money and it is further submitted that the petitioner floated company M/s. Visie Cybertech Limited at Hyderabad in which his father-in-law Sri Ashok Vishnu was the Managing Director and another Director, Smt. M. V. Jayalakshmi is his wife. A senior Executive of the Company Mr. M. V. Narasimhachary, was his brother. The Petitioner is a major promoter of the Company holding 1,10,000 shares indicating his participation in the affairs of the Company. Further he attested a contractual agreement for floating the Company. The Petitioner neither informed the Company nor the Company has any knowledge about his doing business. The grounds on which the Petitioner filed his leave application is found to be false. The Company, M/s. Visie Cybertech Limited applied loan for 28 lakhs from APIDC and the Petitioner has mortgaged his house property for procuring the said loan and the Petitioner and other partners have withdrawn an amount of Rs. 25 lakh from the sanctioned loan and misappropriated. The Petitioner has withdrawn three lakhs rupees on 27-9-2000 by a cheque from Karnataka Bank and subsequently Rs. 14,000 on 18-1-2001.

12. It is further submitted that the Respondent received a complaint dated 1-3-2004 from a co-employee of the Company that the Petitioner was involved in the affairs of M/s. Emvee Securities Limited and the said Company was floated by him and family members and that the petitioner did business without permission. It is further submitted that when the petitioner applied leave from 2-2-2004 to 16-2-2004 on the ground of the illness of his mother. One of the officers of the Respondent Company visited the house of the Petitioner and found the reasons given for applying the leave are false. It is further submitted that the petitioner played fraud against APIDC and also misleading the employees of the Company. It is further submitted that after satisfying that there was prima facie serious misconduct on the part of the petitioner, he was placed under suspension and after considering the explanation an enquiry was ordered and that the Enquiry Officer has conducted a regular enquiry giving opportunity to the Petitioner by observing the principles of natural justice and concluded that the charges are proved. The Enquiry Officer examined two witnesses Mr. E. Yadachary and Mr. C. Ramesh Babu and marked 20 documents during the enquiry and the Petitioner has examined two witnesses and on considering all the material concluded that the petitioner did business without taking permission from the Respondent and the punishment is commensurate to the gravity of charges. It is further submitted that regarding the charge of identity badge Petitioner was careless in obtaining duplicate identity badge.

13. The Petitioner has filed his rejoinder to the counter reiterating the averments made in his Petition.

14. After hearing both sides this Tribunal held that the enquiry conducted by the Respondent is valid by order dated 24-3-2005. The Respondent has conceded the jurisdiction of this tribunal to adjudicate the dispute.

15. It is not in dispute that M/s. Visie Cybertech Limited was constituted and floated for public issue and obtained a term loan from APIDC. Mr. C. Ashok Vishnu is the Managing Director and the wife of the Petitioner Smt. M.V. Jayalakshmi is one of the 7 Directors. The said Company received term loan of Rs. 28 lakhs. The Petitioner has purchased shares worth 1,10,000 before the public issue under promoter's quota. The Managing Director is co-father-in-law of the Petitioner. There is a contractual agreement dated 14-9-2000 and the Petitioner has signed the same as a witness. It is also not in dispute the Petitioner has executed mortgage by depositing the title deeds of his property dated 11-8-2000 for getting loan by the said Company. The Petitioner also withdrawn Rs. 3 lakhs on 27-9-2000 through a cheque in the said Company and subsequently Rs. 14,000.

16. The Learned Counsel for the Petitioner contended that material on record does not show the involvement of the Petitioner in the business activities of M/s. Visie Cybertech Limited and that he is not an employee or Director in the said Company and that in no way concerned with the business. Since his wife is one of the Directors of the said Company, the Petitioner is victimized by the Respondent Company attributing that the Petitioner indulged in the business activities without the approval of the Respondent. Since the Petitioner has attested the contractual agreement as a witness and mortgaged the properties by depositing title deeds and purchasing shares from promoter's quota cannot be said that he indulged in business activities.

17. On the other hand the Learned Counsel for the Respondent contended that the cumulative effect of all the material on record that the Petitioner has attested the contractual agreement of the said Company and purchasing the shares in promoter's quota and mortgaging the properties for getting loans and the letter of the Managing Director that the petitioner is a proxy of his wife, managed entire affairs of the Company shown his involvement in the business activity of the Company which amounts to misconduct.

18. The charges 1 and 2 are similar in nature. The allegation of the Petitioner that he along with five others involved in borrowing the funds from APIDC by setting up facilities for a software company and to raise funds from the general public and thereby engaged in the business activities of the Company. The investment agreement and term loan agreement is executed by the

Managing Director Mr. C. Ashok Vishnu and Mr. N. Surya Kumar in favour of APIDC and APIDC has raised funds in favour of the said Company. The Petitioner is not a party to that agreement. The Petitioner has only signed as a witness in the said Company's contractual agreement dated 4-9-2000. It appears that since the Petitioner's wife is one of the Directors, he attested the agreement as a witness. Mere attestation of any document as a witness cannot be inferred that he involved in the business activities. Regarding the execution of the mortgage by way of depositing title deeds cannot be inferred that the Petitioner involved in the business activity. It should be noted that Managing Director is the close relative of the Petitioner and further his wife is one of the Directors in the said Company. The Petitioner might have visited the company and met the Managing Director in view of the fact that his wife is one of the Directors and the Petitioner might have assisted or advised his wife in discharge of her duties as a Director of the Company.

19. In respect of drawing the amount in the said M/s. Visie Cybertech Limited Company the Petitioner has set up his defence that he had given hand loan to the Company and that the Company has repaid the amounts by way of issuing cheques.

20. The evidence collected by the Enquiry Officer does not prove that the Petitioner has indulged in the business activities of the M/s. Visie Cybertech Limited. Further there is no record to show that the Petitioner is directly or indirectly participated in the business of the M/s. Visie Cybertech Limited. The documents relied by the Enquiry Officer cannot be inferred that the Petitioner indulged in the business activity of the said Company. Therefore, I differ with the findings of the Enquiry Officer in respect of the charges 1 and 2.

21. The third charge on the Petitioner is that the Petitioner sold 5000 shares of the Company, M/s. M.V. Securities Limited which is jointly owned by his household members to one Mr. B. Yadachari, Assistant Manager (Rtd.) of the Respondent Company and thereby engaged in the business activity without the permission of the Respondent. The Enquiry Officer examined Mr. B. Yadachari during the enquiry and on oral evidence of the said witness, has come to the conclusion that Petitioner has indulged in the business activity. The said witness MW1 has stated before the Enquiry Officer that he lodged a complaint 1-3-2004 after his retirement alleging that he purchased 5000 shares worth Rs. 50,000 from the Petitioner for the Company of M/s. Emvee Securities Limited which is owned by the Petitioner's family members. He further stated that the Petitioner and his wife visited his house several times at Hyderabad and persuaded him to purchase the shares and also assured that he will buy back the shares. In the complaint given by him there is no mention that he has purchased because of the Petitioner. In fact he purchased

shares from M/s. Emvee Securities Limited. During the period of purchase in the year 1999 the Petitioner was not working at Hyderabad. It is not in dispute that in the said Company, the brother of the Petitioner is the Managing Director and his wife is Executive Director. It is stated by the MW1 that he was given cheques by the said Company for repayment of his share amount and some of the cheques were bounced. Further he admitted that the cheques were issued by the Company represented by the Executive Director who is the wife of the Petitioner. It is admitted that the Petitioner was not residing at Hyderabad during that period and he was working at Guntur or Salem. MW1 did not take any steps for the alleged bouncing of cheques. It should be noted that the Petitioner has given a complaint nearly after 9 years of the transaction and after his retirement before the Respondent. But there is no explanation for not giving complaint earlier against the Petitioner. MW2 stated that on one occasion MW1 came to him and complained that the Petitioner has sold shares and that he wanted to give a complaint before the officials of the Respondent. But the date and year was not stated by the witnesses. It should be noted that the share certificates issued by the said incorporated Company and the cheques were also issued by the wife of the Petitioner who is no other than the Executive Director of the Company, absolutely there is no evidence to show that there is a privity of contract between the Petitioner and the said witness MW1. It is in evidence adduced by the Petitioner that the brother of the Petitioner is known to MW1 since long time and that MW1 has purchased shares from his brother who is Managing Director of the Company. The evidence collected by the Enquiry Officer does not point out the involvement of the Petitioner in persuading MW1 Mr. Yadachari to purchase shares from his brother's Company. It should be noted that his family members of the Petitioner have got every right to do business by establishing companies. Merely because Petitioner happened to be the husband of the Executive Director of the Company and brother of the Managing Director, it cannot be attributed that the Petitioner indulged in business activity persuading or prevailing Mr. Yadachari to purchase shares. In view of the evidence on record I hold there is no sufficient evidence to infer that the Petitioner has indulged in business activity without the approval of the Respondent. I differ with the findings of the Enquiry Officer regarding charge No. 3.

22. In respect of charge No. 4 and 5 Central Crime Police Station, Hyderabad registered a case against the Petitioner alleging that there is a misappropriation and cheating of public in the matter of raising funds for the Company M/s. Visie Cybertech Limited of Hyderabad. It is not in dispute that the case is registered against the Petitioner by the Police and the Petitioner has obtained anticipatory bail from the Hon'ble High Court of A.P. and accordingly, he was released on bail as per the directions

of the Hon'ble High Court of A.P. The Company floated by Mr. Ashok Vishnu and others and went for public issue. The Company is maintaining in its own account in Karnataka Bank, Dilshukhnagar. The Company has obtained loan from the APIDC and the loan was released to the Company's account. The Petitioner and others alleged to be misappropriated the funds of the Company and the Petitioner has drawn Rs. 3,40,000 on two occasions through cheques.

23. The Petitioner has obtained anticipatory bail from the Hon'ble High Court of A.P. admittedly he is not a Director of the Company and there is no documentary evidence to show that he is engaged with the affairs of the Company. Merely registering a criminal case against the Petitioner cannot be inferred that he misappropriated or cheated the public in the matter of raising funds of the Company. Further there is no detention of the Petitioner in the police custody since he has obtained anticipatory bail and it is always open to the Respondent to take action against the Petitioner in the event of conviction by a competent court in the said case. The mere fact that the police case registered, it will not amount to a misconduct. Therefore, I differ with the findings of the Enquiry Officer in respect of said charges 4 and 5.

24. In respect of charge No. 6 the allegation against the Petitioner that the identification badge issued by the Respondent Company was lost by the Petitioner and failed to report the same to the superiors. This incident has taken place about 9 years prior to the enquiry and the Petitioner as stated in his explanation that while he was travelling in train he lost his bag containing badge, driving license and important documents and that he reported the same to the Regional Manager Mr. Chakrapani at Salem. The Madras Fertilizers Limited Standing Orders under Clause 5 (8) shows that workman should take utmost care to ensure against loss or theft of the identification badge. Loss shall be immediately reported to workman's superior. Replacement of badges shall be at workman's expenses as may be specified by the Company. This charge is violation of the terms and conditions of appointment. Since the Petitioner has reported to his immediate officer about the loss of the badge, it cannot be said that he is guilty of the charge. However the Petitioner is expected to take badge on his own expenses but there is no allegation or charge that he is negligent in not taking steps for replacement of the badge at his expenses. It should be noted that the loss of the badge occurred in the year 1996 and he was charged after considerable period. Therefore, I differ with the findings of the Enquiry Officer that this charge is proved against the Petitioner.

25. It is alleged that the Petitioner was unauthorisedly absent from 2-2-2004 to 16-2-2004 and that the Petitioner sent a telegram on 3-2-2004 stating that his mother is seriously ill and that he is attending her and

requested to grant leave for 10 days. This telegram was received at 1 PM and on the same day a phonogram was issued by R.O. at 4.41 P.M. informing the Petitioner that leave cannot be given for such a long time and absence will be considered as unauthorized and directing him to report immediately. The Enquiry Officer examined MW2, C. Ramesh Babu who stated that he personally visited Petitioner's residence on 4-2-2004 and found parents of the Petitioner. Petitioner's father called the Petitioner on telephone and the Petitioner returned his house within 10 minutes and that the Petitioner's mother asked the Petitioner to attend the office and the Petitioner also agreed to attend the office from the next day onwards. But however, he did not report for duty and further stated that the mother of the Petitioner is not in serious condition. The Petitioner filed medical certificate of his mother stating that she was still ill. Clause 23(43) of Standing Orders of M/s. Madras Fertilizers Limited, the charge comes under Clause 23(43) misconduct obtaining or attempting to obtain leave of absence on false pretence. It has to be seen whether the leave applied by the Petitioner is on genuine ground. The Petitioner has sent telegram stating that his mother is seriously ill and he has to attend her. The leave was not sanctioned and a phonogram was issued to report immediately on the same day. MW2 Mr. Ramesh Babu visited the house of the Petitioner and found his mother was not serious and asked him to join duty. It should be noted that a criminal case was registered against the Petitioner under sec. 420 IPC in claim No. 535/03 on 5-11-03. The Petitioner has obtained anticipatory bail from the Hon'ble High Court of A.P. by its order dated 4-2-2004. The Petitioner's mother was treated as an inpatient in the hospital from 22-10-2003 to 24-10-2003. The Petitioner is alleged that she was seriously ill after three months of her discharge from the hospital. In view of the circumstances that a criminal case was registered against the Petitioner and that he obtained an anticipatory bail on 4-2-2004. It has to be inferred that applied leave on false pretext that his mother was seriously ill. The material on record shown that the Petitioner's mother was not seriously ill warranting the attendance of the Petitioner. The Petitioner suppressing the fact that he requires leave for obtaining anticipatory bail from Hon'ble High Court of A.P. and falsely pretended that his mother was serious. The Petitioner has not stated the true facts for obtaining the leave. If really his mother was serious he would have informed the higher officers by telephone or he could have contacted personally since he is residing at Hyderabad. The Petitioner is expected to obtain sanction of the leave before availing except in the case of emergency. The Petitioner has not followed the procedure required in obtaining the sanction of the leave before availing. I agree with the findings of the Enquiry Officer that this charge is proved against the Petitioner.

26. It has to be seen whether the punishment of dismissal is grossly disproportionate to the gravity of the

charge. The Petitioner is an young man having sufficient service and there is no adverse remarks regarding his conduct previously and the conduct on the part of the Petitioner in helping or advising his wife is nothing to do with the course of the employment. The only charge of absenteeism is proved. I feel that the punishment of stoppage of two increments with cumulative effect is sufficient and just and proper.

27. Therefore, the order of the dismissal dated 26-8-2004 is quashed directing the Respondent Management to reinstate the Petitioner into service without back wages within three months from the date of publication of this Award. However, a lesser punishment of stoppage of two increments with cumulative effect is imposed.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, PA transcribed by her corrected and pronounced by me on this the 16th day January, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 मार्च, 2006

का. आ. 1272. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-110/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2006 को प्राप्त हुआ था।

[सं. एल-40025/3/2006-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1272.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID 110/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Ltd. and their

workman, which was received by the Central Government on 10-3-2006.

[No. L-40025/3/2006-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 23rd day of January, 2006

Industrial Dispute L.C.I.D. No. 110/2003

Between :

Sri Hanumanthu Venkata Ranga Rao,
C/o G. Krupananda Rao,
Near Vijay Talkies, Netaji Nagar,
Nandigama Post and Mandal,
Krishna District.

... Petitioner

AND

1. The Chief General Manager,
(Maintenance), Bharat Sanchar
Nigam Ltd., Southern Region,
Chennai.

2. The General Manager,
Bharat Sanchar Nigam Limited,
Vijayawada.

3. The Director (Maintenance),
Bharat Sanchar Nigam Limited,
Southern Sub-Region,
OFC & Coaxial Maintenance,
Vijayawada, Krishna District.

4. The Divisional Engineer,
OFC & Coaxial Maintenance,
Bharat Sanchar Nigam Limited,
Moghalrajpuram, Donka Road,
Vijayawada, Krishna District.

5. The Sub Divisional Engineer,
OFC & Coaxial Maintenance,
Bharat Sanchar Nigam Limited,
Kodak, Nalgonda District.

... Respondents

APPEARANCES

For the Petitioner : Sri M. Pitchaiah, Advocate

For the Respondent : Sri R.S. Murthy, Advocate

AWARD

This is a case taken in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others filed under Sec. 2A(2) of the I.D. Act, 1947.

2. The Petitioner Sri H. Venkata Ranga Rao, filed this application under Sec. 2A against the Respondent BSNL alleging that he joined as a workman on 13-7-97 in the Respondent industry with the OFC Station Telephone Exchange, Nandigama and worked to the satisfaction of superior officer till he was terminated on 26-11-99. The work extracted by the Petitioner is perennial in nature. It is further submitted that the Petitioner was shown to have employed through contractor Bandi Sekhar Rao under the contract between the contractor and the Respondent which is a camouflage and pressed into service to deprive the applicant employment and his legal rights. The Respondent BSNL is the real employer and the duties discharged by the Petitioner and the regular employees of the Respondent are one and the same. And the petitioner was denied the regular pay scale. The Petitioner filed a OA No. 714/99 on the file of Hon'ble Central Administrative Tribunal, Hyderabad seeking absorption of his services in the Respondent bank as per the orders dated 16-9-1999 and that the said tribunal directed the Respondent Management to confirm temporary status to the Petitioner and other benefits. However, the Respondent Management filed a Writ Petition No. 22368/99 before the Hon'ble High Court of A.P. and the order of the tribunal was set aside. The contention of the Petitioner that his termination is in violation of Sec. 25F of Industrial Disputes Act, 1947 was not raised before the Hon'ble Central Administrative Tribunal or before the Hon'ble High Court of A.P., no finding was given on that. As such the findings of the Hon'ble High Court of A.P. will not come in the way of seeking relief for reinstatement. The Petitioner got issued a legal notice with a request to take him back into service. But no avail. The Petitioner submitted that the termination of the Petitioner is illegal and sought the relief of directing the Respondent to reinstate him with continuity of service and back wages.

3. The Respondent filed IA No. 21/2003 under Sec. 11 of Industrial Disputes Act, 1947 to decide the maintainability of the Petition in view of the orders of the Hon'ble High Court of A.P. dated 16-4-2002 claiming that the petition is not maintainable and the same is barred by the principles of res judicata.

4. The Respondent workman filed his counter stating that the contentions raised in the industrial dispute were not subject matter before the Hon'ble Central Administrative Tribunal from the Hon'ble High Court of A.P. The contention of the Respondent workman that he was terminated in violation of Sec. 25F of Industrial Disputes

Act, 1947 was not decided either by Hon'ble Central Administrative Tribunal or the Hon'ble High Court of A.P. As such the principles of res judicata does not apply to the facts of the case.

5. As the IA No. 21/2003 is allowed holding that the relief sought by the Petitioner is barred by the principles of res judicata, the main petition in LCID No. 110/2003 is dismissed as not maintainable.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 23rd day of January, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

NIL

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 मार्च, 2006

का. अ. 1273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, नई दिल्ली के पंचाट (संदर्भ संख्या 137/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/49/96-आई. आर. (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 137/97) of the Central Government Industrial Tribunal/Labour Court No. I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 10-3-06.

[No. L-42012/49/96-IR (D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Shri S. S. Bal, Presiding Officer.

I.R. No. 137/97

In the matter of dispute between

(1) Sh. Baldev Singh S/o Shri Roshan Lal

(2) Sh. Bal Kishan S/o Shri Dhan Singh

(3) Sh. Karam Singh S/o Shri Samay Singh

All represented by :

The General Secretary,
C.P.W.D. Mazdoor Union,
E-26, (Old Qtr), Raja Bazar,
Baba Kharak Singh Marg,
New Delhi.

... Workmen

Versus

The Director General of Works,
C.P.W.D., Nirman Bhawan,
New Delhi-110011.

... Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/49/96-IR (D. U.) dated 23-05-97 has referred the following Industrial Dispute to this Tribunal for adjudication :

"Whether the action of the management of C.P.W.D., Director General, C.P.W.D., New Delhi in terminating the services of S/Sh. Baldev Singh S/o Sh. Roshan Lal, Bal Kishan S/o Sh. Dhan Singh and Karam Singh S/o Sh. Samay Singh, Drivers w.e.f. 30-03-92, 30-9-93 and 16-10-93 is just, fair and legal? If not what relief the concerned workmen are entitled to and from what date?"

2. Briefly stated facts of this case as culled from record are that S/Sh. Baldev Singh, Bal Kishan and Karam Singh were engaged as Drivers w.e.f. 11-2-88, 5-10-89 and 7-7-92 respectively for driving the Water Tanker of the management on work order basis without any stipulation of the period. They were performing their duties under the Horticulture Development Division-II, P. W. D. of the management. All the three workmen were engaged by the management to drive the Water Tankers owned by them directly under its supervision and control of the officers of their office and were paid only minimum wages of a skilled worker fixed by the Govt. of N. C. T. of Delhi from time to time whereas the daily rated workers on muster roll/hand receipt were getting their wages in the minimum of time scale along with all allowances except increment. The services of S/Shri Baldev Singh, Bal Kishan and Karam

Singh were terminated on 30-3-92, 30-9-93 and 16-10-93 respectively. They were not given one month notice nor one month pay in lieu of notice and even compensation, gratuity etc. were not paid to them as all the 3 workmen had completed more than 240 days during the calendar years. They further claimed that their services were terminated illegally and arbitrarily by the management in violation of provisions contained in Industrial Dispute Act. It is also averred that many junior persons were retained by the management in service. As per the judgment of the Hon'ble Supreme Court dated 17-1-86 in the matter of Surinder Singh and others Vs. Engineer-in-Chief, C.P.W.D., the management of C. P. W. D. have been paying equal pay for equal work and according to the said judgment the daily rated workers are also entitled to regularisation in services after completion of six months but the management in violation of Supreme Court Judgment aforesaid terminated their services instead of regularising them therein. The workmen had also taken the stand that they were employed on work order and in accordance with the order dated 18-8-1993 of the office of Director General (Works) they were equated with the Daily Rated workers working on Hand Receipt of Muster Roll. The copy of the said documents i.e. work orders adduced are Ext. W.W. 1/1 to 5. They also claim that they were not functioning as independent contractors of the management. The action of the management in terminating their services is illegal, unjustified and they are entitled to be reinstated with full back wages w.e.f. their date of termination in the minimum of time scale fixed for skilled workmen with all allowances along with all consequential benefits provided to the daily rated workers under the establishment of the management.

3. The management contested the claim by filing written statement that S/Shri Baldev Singh, Bal Kishan and Karam Singh were driving the Water Tankers of the management on work order basis and the work order is their work procedure which can be given to any contractor. According to the management, they are contractors and contractors cannot be given employment. Thus the stand of management is that the workmen/claimants were performing their duties as Driver on work order basis/contract basis for a specific period and so on the termination of service they are not entitled to any compensation notice, notice pay.

4. The written statement was also followed by the rejoinder wherein the contents of the claim statement were reiterated and controverted parts/contents of the written statement were denied.

5. Both the parties adduced evidence to support their respective case.

6. The workman Shri Baldev Singh examined himself as WW1, Shri Bal Kishan examined himself as WW2 and Shri Karam Singh himself examined as WW3. The

Management also examined Shri S. P. Sharma, Deputy Director, Horticulture Division DD-2 as MW1.

7. After closure of evidence the Ld. A/Rs of both the parties addressed arguments. Mr. Prasad submitted that the workmen had worked on work order basis as daily rated worker by working as Driver on the Water Tanker of the respondent/management for more than 240 days in a year preceding their termination and their services have been illegally terminated in violation of the provisions contained in section 25-F of the I. D. Act and workmen are entitled to be reinstated with full back wages as they are still unemployed and not gain fully employed after their services were dispensed with and that the claim of the management that the workmen worked as contractor on the basis of the work order is wrong and the work order allegedly relied by the management is sham and illegal and not tenable & non-existent in the eye of law. In support of his contention he referred two decisions of the Hon'ble High Court of Delhi in writ petition No. WP (C) 825 of 2003 captioned as M/s. Director of Horticulture Development Division-II, P. W. D., Govt. of N. C. T. of Delhi Vs. Shri Ram Sham and another. The operative portion of the order dated 31-1-03 :—

"The only contention of learned counsel for the petitioner is that the respondent was not employed by the petitioner as a daily wager but he was a contractor and was being appointed on the basis of work orders. The copies of the work orders placed on record are being relied upon by the petitioner.

The work orders issued by the petitioner for engaging the respondent and on which reliance has been placed by the petitioner, clearly show that the respondent had admittedly worked continuously from 1989 to 1993, through on three months basis, and in my opinion, the work orders issued by the petitioner were only camouflage to avoid regularization of the services of the respondent. Respondent was a driver employed to work on the water tanker of the petitioner. Though it is the contention of learned counsel for the petitioner that respondent could appoint any other person to work as driver on the tanker, however, none of the conditions of the work order specify that the respondent could engage any other person to work as a driver on the vehicle of the petitioner. Conditions mentioned on the work order clearly show that the respondent was engaged to work as a driver and he was paid Rs. 40 per day for the same. Condition No. 16 clearly shows that in a month of 30 days, the respondent shall be paid wages for 26 days. Petitioner had full control and supervision over the work of the respondent which also show that there was a relationship of master and servant between the parties and respondent was not an independent contractor. Though, it is contention of the petitioner

that there is no vacancy available with the petitioner to engage the respondent, however that is no ground not to pass an award in favour of the respondent. Services of the respondent having been wrongfully terminated, the Labour Court was fully justified to pass the award directing his reinstatement. I, therefore, do not find any merit in this petition and the same is accordingly dismissed."

In another recent judgment of Hon'ble High Court of Delhi in writ petition No. WP(C)-7032/2005 in the matter of P. W. D. through Dy. Director, P. W. D., Horticulture Versus Satya Pal have reiterated the above judgment dated 31-1-03 passed in WP(C) No. 825/2003. The operative portion of the order dated 19-10-05 is as under :—

"3. Upon a reference being made to the Central Government Industrial Tribunal and adjudication of the claim raised by respondent/workman, vide an Award dated 30th April, 2004 it was held that the termination was illegal and the respondent was directed to reinstate the workman with the benefits noticed hereinabove.

This Award has been assailed before this court primarily on the plea that no appointment letter was issued in favour of the respondent and that he was appointed on contractual basis".

4. Perusal of the Award shows that the petitioner itself placed reliance on a circular issued by the Director of Administration to the Chief Engineer. This circular referred to engagement of daily rated workers on work order basis in different offices of the C. P. W. D. The C. P. W. D. in these circumstances issued the following directions :—

"You are, therefore, once again requested to send a list of all such daily rated Muster Roll Workers engaged on hand receipt or work order or any other basis defying the existing Government instructions, ensuring inter alia termination of the services of all such workers who have not completed 240 days of service in two consecutive years. Your probable demand requiring appointment of such workers may also be intimated to this directorate. Since the instructions with regard to absolute ban on engagement of workers on Muster Roll issued on 19-11-85, will also apply to any form of engagement of workers of daily rated including work order, you are, therefore, requested to follow the instructions quoted above and in future no recruitment even on work order be made.

5. The Industrial Tribunal has found as a fact that the workman has rendered continuous service from 30th August, 1990 to 13th September, 1993 and

therefore he had completed more than 240 days of service. It has also been found that he had worked directly under the control and supervision of Deputy Director (Horticulture) and other officers and the petitioner's services were terminated without any notice as required under Section 25-F of the Industrial Disputes Act, 1947."

8. On the contrary Ld. A/R for management contended that workmen were not engaged as daily rated worker as claimed. Rather they were engaged on the basis of work order as they worked as independent contractor on the basis of work order. Hence they are not entitled to any relief claimed.

9. I have given my anxious thought to the contentions raised on both sides.

10. The following questions need determination in this case in order to answer the reference :—

- (1) Whether the claimant-workmen were independent contractor to drive the Water Tanker as claimed by the respondent ?
- (2) Whether the claimant were daily rated workers as claimed by the workmen ?

I shall take up question No. 1 and 2 together for determination as they are interconnected.

11. There is no evidence on record to show that the claimant entered into any contract with the management to drive the Water Tanker on contract basis. It is proved that the workmen were employed on work-order basis without any stipulation of period. They are daily rated workers. There existed relationship of employer and employee between the management and workmen. They are not contractors as claimed by respondent.

12. The workmen have worked with the management for more than 240 days in a calendar year and they were under the direct control and supervision of the respondent. There existed relationship of employer and employee between the claimant and respondent.

13. As per record admittedly Shri Baldev Singh worked continuously w.e.f. 11-2-88 and his services were terminated on 30-3-92 and he completed more than 240 days in each of the calendar year, Shri Bal Kishan was initially engaged on 5-10-89 and his services were terminated on 30-9-93 and he also completed 240 days and lastly Shri Karam Singh was initially employed on 7-7-92 and his services were terminated on 16-10-93 and he also completed 240 days in twelve calendar months continuously as the Driver of the Water Tanker of the management, even if they were engaged on work order basis they have continuously worked as Driver for more than 240 days in

the calendar year as is evident from Ext. WW1, Ext. WW2 and Ext. WW3. They were not issued any notice, notice pay or compensation as required under the provisions of Section 25-F of the I. D. Act. Hence the action of the management in terminating service of the workman as driver amounts to retrenchment. As such they are entitled to be reinstated in their job. They have claimed full backwages as they have not been gainfully employed. The management has also failed to prove or to place on record any material showing that the workmen were employed gainfully during the period of unemployment.

14. Taking into consideration the long period for which the workmen remained unemployed it would be appropriate to grant back wages @ 40%. Hence they are accordingly given back wages at the said rate. In view of the above discussions I am of the opinion that the action of the respondent management C. P. W. D. in terminating the services of S/Shri Baldev Singh w.e.f. 30-3-92, Bal Kishan w.e.f. 30-9-93 and Karam Singh w.e.f. 16-10-93, all Drivers are not legal and justified and they are entitled to reinstatement with 40% back wages alongwith all consequential benefits from the date of their termination. Award is passed accordingly. File be consigned to record room.

Dated : 22-02-2006.

S. S. BAL, Presiding Officer

नई दिल्ली, 10 मार्च, 2006

का. आ. 1274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-68/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2006 को प्राप्त हुआ था।

[सं. एल-40025/2/2006-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-68/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of D/o Post and their workman, which was received by the Central Government on 10-3-06.

[No. L-40025/2/2006-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT:

Sri T. Ramachandra Reddy, Presiding Officer

Dated the 6th day of February, 2006

Industrial Dispute No. LCID 68/2003

BETWEEN:

Sri G. Ramachandra Rao,
 C/o Sri S. Venkateshwar Rao,
 S-11-1993, Pochannamakunta,
 Hanamkonda-506009. ... Petitioner

AND

1. The Superintendent of Post Offices,
 Peddapalli Division,
 Peddapalli-505172,
 Karimnagar.
2. Director of Postal Services,
 Office of the Postmaster General,
 Hyderabad Region,
 Hyderabad-1. ... Respondent

APPEARANCES:

For the Petitioner : M/s. S. Venkateswara Rao &
 K. Raghu Ram Reddy,
 Advocates.

For the Respondent : Sri P. Raveender Reddy,
 Advocate.

AWARD

This is a case taken in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. The I. D. was numbered in this Tribunal as L. C. I. D. No. 68/2003 and notices were issued to parties.

2. The brief facts as stated in the petition are : that the Petitioner was appointed as EDBPM by the Respondent No. 1 with the permission of Respondent No. 2 and posted at Madannapet Branch Office. The Petitioner was removed from service by the Respondent No. 1 vide letter dated 30-1-2002 which is illegal, unjust, contrary to law and against the principles of natural justice. The allegation against him is that he accepted deposits in 12 R.D. accounts and 2 R.P.L.Is. and failed to accounts for the said deposits into the accounts of post office during the period from 16-2-2000 to 30-4-2000 and also failed to maintain branch office journals as required by the book of rules for branch offices. The Respondent No. 1, after it came to his notice

conducted preliminary enquiry and recorded statements of several persons from whom the alleged deposits have been accepted by the Petitioner and entered into pass books but failed to account in connected records of post office. The said statements were recorded in his absence and such statements were obtained under force, misrepresentation and undue influence and further they were not furnished to the Petitioner. The object of the preliminary enquiry is to find out whether any prima facie case is made out or not against the employee on suspicion but it cannot be used as evidence of that person while passing the orders.

3. On the basis of the preliminary enquiry report the Respondent issued a memo dated 30-8-2004, with two articles of charges framed against the Petitioner alleging the same things to which the Petitioner submitted a detailed explanation which was not considered and a regular enquiry was ordered. With regard to charge No. 1 he was ill, mentally derailed and during that time his wife also helped him in continuing B.P.O. without any break and obtained his signature on some of the books and papers but what transpired into the matter, he was not in a position to notice the same endorsement on the RD pass books which lead to the issue of charge memo. That the Petitioner has not received any amounts from the persons. That charge No. 2 is also denied, it is based on charge No. 1, it may be only an irregularity. In fact, the Enquiry Officer has held that charge No. 2 is proved. Having failed to see that both the charges are interlinked and one depended upon another, as such when charge No. 1 is not proved the question of charge No. 2 is also deemed to have been not proved. That the disciplinary authority did not agree that the findings of the Enquiry Officer in respect of charge No. 1. That the disagreement with the findings of the Enquiry Officer in respect of charge No. 1 by the Disciplinary Authority is not substantiated. Hence, the enquiry may be held as vitiated.

4. In the counter it is stated that the Petitioner has committed RD and RPLI frauds and also failed to maintain B.O. Journal, BO A/c., SB, RD and RPLI journals for certain periods. The preliminary Enquiry Officer has conducted the enquiry as per law. That the statements that are recorded by the preliminary Enquiry Officer are produced during the enquiry and the Petitioner cross examined these witnesses and the copies of the statements were also supplied to the Petitioner during the course of enquiry. Hence, there is no irregularity. That the contention that he was mentally imbalanced and suffering from Jaundice is an after thought. Only after considering the preliminary enquiry report and having satisfied, a regular enquiry was ordered against the Petitioner and the enquiry is conducted fairly and properly.

5. The Petitioner has not adduced any evidence regarding the alleged mental illness and the entries made

by the Petitioner in the passbooks proves that he received the amounts and further the conduct on the part of the Petitioner that the received amounts and not accounting for. It shows the mala fide intention of defrauding the revenues for his personal use. The Enquiry Officer submitted his report concluded that Charge No. 1 is not proved but the Disciplinary Authority has disagreed with the findings of the Enquiry Officer and given the reasons to that effect and communicated to the Petitioner with office letter dated 24-12-2001. The Petitioner was called for to submit his comments to the said letter dated 24-12-2001 and the Petitioner accordingly submitted his representation and on considering the representation, the Petitioner was removed from service vide proceedings dated 30-1-2002 and further submitted that as per the ADA Conduct and Service Rules, 1964 there is no provision to issue show cause notice of the proposed punishment. The punishment imposed is not harsh in view of the gravity of the charges and further contended that Petitioner is not a workman and he comes under the purview of the Government Servant and requested to dismiss the petition.

6. This tribunal held on 20th July, 2004 that the domestic enquiry conducted by the Respondent is valid and the Enquiry Officer has observed the principles of natural justice and Petitioner was given ample opportunity during the enquiry. The Learned Counsel for the Petitioner contended that the Petitioner was not served copy of the preliminary enquiry report. The Enquiry Officer held that the charge number one is not proved and when the first charge is not proved, the second charge cannot be said to be proved and the conclusions of the Disciplinary Authority is disagreeing with the Enquiry Officer holding that both the charges are proved is untenable and further contended that there is no sufficient evidence to conclude that the Petitioner has collected the amounts from the passbook owners and misappropriated the same and further the charge of not maintaining the records is only minor charge and punishment of removal is harsh and disproportionate.

7. On the other hand, the Learned Counsel for the Respondent contended that the Petitioner while working as a branch post master, Madannapet during the period from 16-2-2000 to 30-4-2000 has collected the deposits of RD accounts and RPLI policies and failed to account for the said deposits into the accounts of the post office and misappropriated the same and further the Petitioner failed to maintain the branch office records of ED journals and RPLI journals which amounts to misconduct and further contended that the Post Office was inspected on 17-5-2000. The Petitioner was on leave and the cash chest was open and found Rs. 360 less in presence of the branch post master Mr. Shanigaran and the brother of the Petitioner has made good of the amount. The records of the post office were inspected on 17-5-2000 and a preliminary enquiry was conducted by recording the statements of the

passbook holders and the statement of the Petitioner and subsequently regular enquiry was ordered. The Enquiry Officer and the Disciplinary Authority has given reasons of their conclusions, regarding proving of the charges and the entire material on record shows the involvement of the Petitioner regarding collection of the money and misappropriation of the same and further pointed out that the punishment is commensurate with the gravity of the charges.

8. It is not in dispute that during the enquiry 15 witnesses were examined by the Enquiry Officer. Most of the witnesses are RD depositors. They have given statements before Mr. V. Venkateswara Reddy, SDI(P), Jammikunta Sub Division, Jammikunta who conducted the preliminary enquiry that the Petitioner has collected the deposits by making entries in their respective passbooks and further the Petitioner also made entries in the premium receipt books and not accounted for. The Petitioner has given statement before Mr. V. Venkateswara Reddy that admitting the collection of deposits and pleaded that he was ill and misappropriated the amounts for his medical expenses.

9. Depositors who gave statements before the Enquiry Officer at the time preliminary enquiry have turned hostile and stated that they have not deposited the amounts even though there are entries made by the Petitioner in their acts. The depositors made claim regarding the amounts deposited by them by filing applications and their claims were accepted by the Department. The passbooks and the receipts shows that the Petitioner has collected the amounts and misappropriated the same. The Petitioner made an attempt before the Enquiry Officer that he was mentally ill and as such he could not maintain the records. It should be noted that Petitioner was defended during the enquiry and all the witnesses were cross-examined at length. Even though the witnesses who deposited the amounts before the Petitioner turned hostile during the regular enquiry, the records show that the Petitioner has collected the amounts by making entries in the passbooks. It should be noted that the deposit holders have given a statement before the officer, who conducted the preliminary enquiry admitted that the Petitioner has collected the amounts from them. It appears that Petitioner during the enquiry which was conducted subsequently has managed the witnesses to depose in his favour. The statements given by the Petitioner before Mr. V. Venkateswara Reddy, admitting the collection of deposits and making entries in the passbooks and using the money for his treatment proves the charge. The documentary evidence on record discloses that the collection of the amounts by the Petitioner and not accounting the same and misappropriation.

10. The Disciplinary Authority who did not agree with the findings of the Enquiry Officer in respect of the conclusions of the charge number one has given reasons

for his conclusions. The plea of the Petitioner that he was insane is not accepted. In view of the circumstances that he made entries in the passbooks of the depositors acknowledging the receipt of the money and not accounting the same. Further the depositors made a claim regarding the amounts collected by the Petitioner and sanction orders were passed for payment of the amounts and further the Disciplinary Authority has observed that the Petitioner has not taken the plea of insanity at the time of conducting preliminary enquiry and concluded that plea of insanity is only an after thought.

11. On considering the material on record the preponderance of evidence collected by the Enquiry Officer points out the involvement of the Petitioner in misappropriation of the amounts of the public money and also not maintaining the records to suppress the fact of misappropriation.

12. The charges are grave in nature and the punishment imposed is commensurate with the gravity of charges. The ruling relied by the Petitioner's counsel in 1988 LAB IC 833, Milk Product Factories, AP Dairy Development Corporation Limited, Vijayawada—Petitioners Vs. V. K. Durga Rao and another—respondents. In 1999(I) ALT, the facts are not applicable to the facts of this case. I do not see any mitigating circumstances to reduce the punishment. In the result the petition is dismissed.

Award passed accordingly. Transmit.

Dictated Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced in the open court by me on this the 6th day of February, 2006.

T. RAMACHANDRA REDDY, Presiding Officer.

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner/Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 मार्च, 2006

का. आ. 1275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेंटल सेंटर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण एवं श्रम न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2006 को प्राप्त हुआ था।

[सं. एल-14012/30/2003-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Ajmer as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Military Dental Centre and their workman, which was received by the Central Government on 10-3-06.

[No. L-14012/30/2003-IR (DU)]
SURENDRA SINGH, Desk Officer

अनुबंध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : श्री जी. एस. शेखावत, आरएचजेएस

प्रकरण संख्या-सी.आई.टी.आर. 01/2004

(रेफरेंस नं. एल-14012/30/03/आई.आर. बी-2

दिनांक 5-3-04)

श्री सत्यनारायण पुत्र श्री मानसिंह हरिजन प्रभुदयाल मोहल्ला,
648/01 नसीराबाद, जिला अजमेर ...प्रार्थी

बनाम

दी ऑफिसर कमांडिंग मिलिट्री डेंटल सेंटर नसीराबाद, जिला
अजमेरअप्रार्थी

उपस्थित : श्री रामचंद्र वर्मा, विद्वान प्रतिनिधि ...प्रार्थी ।

श्री जफर अहमद, विद्वान अधिवक्ताअप्रार्थी ।

दिनांक : 10-1-2006

आदेश/अवार्ड

प्रस्तुत आदेश द्वारा प्रतिपक्षी की धारा 22 सपठित धारा 151 सी.पी.सी. के अंतर्गत दि. 20-7-05 को प्रस्तुत प्रार्थना पत्र को निर्णीत किया जायेगा । जिसमें खंड पीठ के आदेश दि. 4-7-2001 के मद्दे नज़र इस प्रकरण को रैसज्युडीकेटा के सिद्धांत के आधार पर निरस्त करने की प्रार्थना की है ।

उभय पक्ष का श्रवण किया, पत्रावली का अवलोकन किया ।

केन्द्र सरकार के डेस्क ऑफिसर ने आदेश दि. 5-3-2004 द्वारा इस न्यायाधिकरण को निम्न विवाद न्यायनिर्णयन हेतु प्रेषित किया है :—

“Whether the Management of Officer Commanding, Military Dental Centre, Nasirabad Distt., Ajmer in dismissing Shri Satyanarain, S/o. Shri Man Singh Harizan from service w.e.f. 19-7-2000 is just and legal ? If not what relief the workman entitled ?”

यह स्वीकृत तथ्य है कि कमांडिंग ऑफिसर के उक्त आदेश दि. 19-7-2000 को प्रार्थी ने माननीय उच्च न्यायालय में चुनौती दी थी

जिसे खंडपीठ ने सिविल स्पेशल अपील (रिट नं. 348/2001) में दि. 4-7-2001 में निर्णय पारित करते हुए निरस्त कर दिया तदुपरांत इसी आदेश को प्रार्थी ने एकल पीठ माननीय राज. उच्च न्यायालय में पुनः चुनौती दी जिसे सिविल रिट पिटीशन नं. 4280/2002 में दिनांक 23-7-2002 को निर्णय पारित कर निरस्त कर दिया। उक्त निर्णय के निम्न अंश महत्वपूर्ण हैं :—

“खंडपीठ ने उक्त आदेश में यह कहा कि जिन अधिकारियों के विरुद्ध दुर्भावना के आरोप लगाये गये हैं, उन्हें रिट याचिका में संयोजित नहीं किया गया है, ऐसी स्थिति में उक्त आधार पर अपील चलने योग्य नहीं है। खंडपीठ ने यह भी अवधारित किया कि प्रार्थी के नियुक्ति आदेश में यह स्पष्ट कर दिया था कि परिवीक्षा अवधि में उसकी सेवायें संतोषप्रद नहीं पाई गईं तो उसको नोटिस दिए बिना सेवायें समाप्त की जा सकती हैं। खंडपीठ ने सेवा समाप्ति के आदेश दि. 19-7-2000 को विवेचित किया है एवं संदर्भ दिया है और प्रार्थी की अपील निरस्त की है। खंडपीठ ने प्रार्थी को नई रिट याचिका प्रस्तुत करने के लिए कोई स्वतंत्रता नहीं दी है, ऐसी स्थिति में अब पुनः प्रार्थी उसके सेवा समाप्ति के आदेश दि. 19-7-2000 को रैसज्युडीकेटा के सिद्धांत के आधार पर चुनौती देने से बाधित है। उक्त परिस्थितियों में इस रिट याचिका में प्रार्थी को कोई अनुतोष नहीं दिया जा सकता है। अतः निरस्त की जाती है।”

एकल पीठ ने उक्त आदेश में खंडपीठ के पूर्व निर्णय को विवेचित करते हुए यह अवधारित कर दिया कि प्रार्थी रैसज्युडीकेटा के सिद्धांत के आधार पर सेवा समाप्ति के आदेश दि. 19-7-2000 को चुनौती देने से बाधित है। इस प्रकार एकल पीठ ने खंडपीठ के निर्णय को अंतिम मानते हुए रैसज्युडीकेटा का सिद्धांत लागू करते हुए प्रार्थी द्वारा पुनः प्रस्तुत की गयी रिट को निरस्त कर दिया। मेरे विनम्र मत में प्रार्थी के इस तर्क में कोई सार नहीं है कि खंडपीठ या एकल पीठ का निर्णय गुण-दोषों पर पारित करते हुए नहीं है। अंत में मैं इस निष्कर्ष पर पहुँचता हूँ कि प्रार्थी की सेवा समाप्ति के आदेश दि. 19-7-2000 पर खंड पीठ ने अंतिम रूप से गुण-दोषों के आधार पर निर्णय पारित करना वैध माना है। अतः इस श्रम न्यायालय को रैसज्युडीकेटा के सिद्धांत के आधार पर इस विवाद को पुनः निर्णित करने का क्षेत्राधिकार नहीं है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि कमांडिंग ऑफिसर, नसीराबाद जिला अजमेर द्वारा प्रार्थी सत्यनारायण पुत्र मानसिंह हरिजन की सेवा समाप्ति के आदेश दिनांक 19-7-2000 को पूर्व में खंडपीठ माननीय राज. उच्च न्यायालय द्वारा अंतिम रूप से गुणावगुणों पर निर्णित कर वैध घोषित कर दिया है अतः रैसज्युडीकेटा के सिद्धांत के आधार पर इस न्यायाधिकरण को सुनवाई का क्षेत्राधिकार नहीं है।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 10 मार्च, 2006

का. आ. 1276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विहकल रिसर्च

डेवलपमेन्ट एस्टेब्लिश्मेन्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, अहमदनगर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-06 को प्राप्त हुआ था।

[सं. एल-14012/68/2000-आई. आर. (डी.यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ahmednagar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vehicle Research Development Estt. and their workman, which was received by the Central Government on 10-03-06.

[No. L-14012/68/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI V. P. KAREKAR, JUDGE, FIRST LABOUR COURT AT AHMEDNAGAR

Reference (IDA) No. 8/2001

The Director,
Vehicle Research Development Estt.,
Arangaon Road, Ahmednagar. ... First Party

V/s.

H. B. Thapa,
Age-38 years, Occ-Nil,
R/o V.R.D.E., Type 1 Quarters,
Arangaon Road, Ahmednagar. ... Second Party

Coram : Shri V. P. Karekar, Judge.

Advocates : Shri A. K. Gugale for First Party.

Shri A. S. Amle & Rekha Dasare for
Second Party.

AWARD

(Date : 03-02-2006)

1. This is a reference sent by Government under Clause (d) of sub-section (1) and sub-section 2(A) of Section-10 of the Industrial Disputes Act, 1947, for adjudication of a dispute between the Director, Vehicle Research Development Estt., and Shri H. B. Thapa, over latter's demand for reinstatement with full back wages and continuity of service w.e.f. 12-12-1999.

2. Today when the matter come up for evidence, it is seen that the party no. 2 remained absent since last so many dates and not gave any evidence. In absence of any evidence from the side of party no. 2, it is difficult to decide,

whether party no. 2 workman entitled for the relief as mentioned in the order of reference and the demand of the worker cannot be allowed. In view of aforesaid fact, the reference is required to be answered in the negative. Accordingly, I proceed to pass the following award.

AWARD

1. Reference is answered in negative.
2. The party no. 2 not entitled for the relief as mentioned in the order of reference.
3. Four copies of Award be sent to Government of India/Bharat Sarkar Ministry of Labour/Shram Mantralaya for information and publication.

Date: 03-01-2006

V. P. KAREKAR, Judge

नई दिल्ली, 10 मार्च, 2006

का. आ. 1277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 273/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-03-2006 को प्राप्त हुआ था।

[सं. एल-41014/2/2006-आई. आर. (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (273/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 09-03-06.

[No. L-41014/2/06-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 7th day of February, 2006

Industrial Dispute L.C.I.D. No. 273/2001

BETWEEN

Sri T. Ratan Singh,
C/o Sri B. G. Ravindra Reddy,
Advocate, D.NO. 2-2-1137/8/1/B/1,
New Nallakunta,
Hyderabad-44.

... Petitioner

AND

1. The General Manager,
South Central Railway,
Secunderabad.
2. The Senior Divisional Mechanical Engineer,
South Central Railway,
Secunderabad.
3. The Chief Personnel Officer,
South Central Railway,
Head Quarters Office,
Personnel Branch,
Secunderabad

... Respondents

APPEARANCES

For the Petitioner : M/s B. G. Ravindra Reddy,
S. Prabhakar Reddy,
P. Srinivasulu &
B.V. Chandrasekhar,
Advocates

For the Respondent : Sri A. Prithviraj, Advocate

AWARD

This application filed under Sub-section 2 of Sec. 2A of the I.D. Act, 1947 by the Petitioner Sri T. Ratan Singh against South Central Railway, represented by the General Manager as R1, Senior Divisional Mechanical Engineer as R2 and Chief Personnel Officer as R3 to direct the Respondents to reinstate the Petitioner into service with full back wages and other attendant benefits.

2. It was taken on file in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. It is submitted that the Petitioner was appointed as a fitter HS-II in the South Central Railway, Secunderabad on 9-10-1966 and worked to the satisfaction of his superior officers till he was removed. He further submitted that he has become sick due to jaundice from 20-7-1987 to 14-12-1987 and obtained treatment from private medical practitioner. He reported to duty on 14-12-1987 and that he was referred to medical officer (DMO/LGD) for obtaining fitness certificate. Accordingly, he was found to be fit and permitted to join duty on 17-12-1987 and he continued in service till he was removed from service on 30-1-1989 by imposing the penalty of removal. He preferred an appeal dated 3-3-1989 and the same was rejected by its order dated 20-3-1989. Thereafter he filed revision on 29-6-1989 which

was also rejected on 20-11-1989. He made several representations for his reinstatement but to no avail. He approached the Hon'ble Central Administrative Tribunal, Hyderabad in O.A.S.R. No. 277/97 which was rejected on 24-7-1997 on the ground of delay in filing the case. He approached this Tribunal as there is no bar of delay in raising the industrial dispute. He further submitted that the Petitioner has completed more than 23 years of his continuous service as a permanent employee and his removal is arbitrary and unjust. He further submitted that his absence from duty is only on account of illness due to attack of jaundice disease and that he was removed without giving opportunity during the enquiry violating the principles of natural justice. It is further submitted that the punishment is shockingly disproportionate to the misconduct lodged against the Petitioner.

4. The Respondents filed joint counter and denied the averments made in the petition and submitted that the Petitioner was removed from service w.e.f. 3-2-89 by the order dated 30-1-89. He was habitual absentee and absented for 782 days from 1984 to 1989. The Petitioner was also absent earlier and a chargesheet was issued against him and after due enquiry he was punished withholding two increments without cumulative effect. The Petitioner has opted by approaching the Hon'ble Central Administrative Tribunal where he was unsuccessful as such he cannot raise the dispute. The enquiry against the Petitioner was conducted by observing the principles of natural justice by giving ample opportunity to the Petitioner and the punishment of removal is proper to the gravity of the charges.

5. The Petitioner examined himself as WW1 and got marked the documents as Ex. W1 is removal order dated 30-1-1989. Ex. W2 is the order rejecting his appeal dated 20-3-1989. Ex. W3 is the order rejecting revision dated 20-11-1989.

6. The Respondents examined MW1 Sri Rathod Mohan and marked the following documents. Ex. M1 is the charge sheet. Ex. M2 is representation of the Petitioner dated 20-4-1987. Ex. M3 is the Memorandum for Ex. M2. Ex. M4 is the order of Hon'ble Central Administrative Tribunal, Hyderabad. Ex. M5 is mercy appeal of the Petitioner. Ex. M6 is the mercy appeal dated 19-12-1989. Ex. M7 is another mercy appeal. Ex. M8 is memorandum of charges. Ex. M9 is letter by the Petitioner. Ex. M10 is the removal order. Ex. M11 is the order of the Appellate Authority. Ex. M12 is the confirmation order by the revising authority.

7. On hearing both sides this Tribunal held that the domestic enquiry conducted by the Respondent is valid by order dated 26-10-2005.

8. Arguments under Sec. 11A heard on both sides. It is not in dispute that the Petitioner is appointed in the

Respondent Organization as trade apprentice on 10th September, 1966 and subsequently promoted as Fitter Grade-III on 2-11-1971. He further promoted as Fitter Grade-II w.e.f. 1-1-1984. While working as Fitter Grade-II he remained absent from 14-1-1986 to 10-3-1987 and enquiry was conducted by issuing a chargesheet proposing major punishment. However, on considering the explanation given by the Petitioner it was converted into minor penalty by withholding two increments without cumulative effect.

9. Subsequently the Petitioner was absented from 20-7-1987 to 14-12-1987. An enquiry was conducted for his absence by issuing a major chargesheet under Disciplinary and Appeal Rules, 1968. The Petitioner has taken the plea during the enquiry that he could not attend due to attack of jaundice disease and that he has taken treatment from private medical practitioner and intimated and submitted medical certificates and the plea taken by the Petitioner was not accepted during the enquiry and that he was imposed a punishment of removal w.e.f. 3-2-89 by the order dated 30-1-89.

10. It is also not in dispute that the Petitioner was unsuccessful in filing the appeal and revision before the concerned authorities. The Petitioner has approached the Hon'ble Central Administrative Tribunal, Hyderabad after a lapse of 8 years from the date of his removal and his application was dismissed on the ground that the delay was not explained and the same was not condoned. The Petitioner has approached this tribunal for the relief of reinstatement by raising this dispute.

11. The Learned Counsel for the respondents contended that the petition is not maintainable since the Petitioner has opted to approach the Hon'ble Central Administrative Tribunal, Hyderabad and his petition was dismissed. As such the Petitioner cannot again seek the same relief which is hit by the principles of res judicata. On the other hand, the Learned Counsel for the Petitioner contended that there is no provision in the Industrial Disputes Act, 1947 which bars the Petitioner from approaching this tribunal and further the matter before the Hon'ble Central Administrative Tribunal, Hyderabad is not decided on merits.

12. On perusing the order of the Hon'ble Central Administrative Tribunal, Hyderabad it is found that petition was filed after the lapse of eight years as such the tribunal is not satisfied for condonation of delay and accordingly dismissed. In view of the provisions of Industrial Disputes Act, 1947 that there is no provision barring the workman from approaching this tribunal and further the matter was not considered on merits before the Hon'ble Central Administrative Tribunal, Hyderabad, I hold that the petition is maintainable and not that by the principles of res judicata.

13. The Petitioner was chargesheeted for his absence from 20-7-1987 to 14-12-1987. The Petitioner has taken a

plea that on account of attacking jaundice disease he could not come and that he has taken treatment privately. But he could not substantiate by filing medical certificates about reporting his sickness. The Petitioner is expected to submit private medical certificates in the event of taking treatment from private practitioners within 48 hours. But he failed to submit the same. Further, he has not intimated about his sickness. If really the Petitioner has taken the treatment from private medical practitioners, he is expected to file interim private medical certificates. As per the medical attendance rules, railway employees are expected to report sickness before railway hospital doctor who will issue a certificate about the illness. On account of failure to file private medical certificate the Enquiry Officer has disbelieved the sickness of the Petitioner and concluded that the charge against unauthorized absence is proved. On considering the report of the Enquiry Officer, the Disciplinary Authority has issued show cause notice and on considering the explanations, the Petitioner was removed from service. The appeal and revision filed by the Petitioner are also rejected on the ground that previously he was unauthorisedly absented himself and a minor punishment was imposed. The Petitioner was given ample opportunity during enquiry and the domestic enquiry held by the Respondents was found to be valid and the Enquiry Officer on considering the documents and evidence, has rightly held that the charge of unauthorized absence is proved and I do not see any sufficient ground to interfere with the conclusions of the Enquiry Officer.

14. The Learned Counsel for the Petitioner vehemently contended that the punishment of removal is shockingly disproportionate of the gravity of the charge and the Petitioner has put up more than 22 and half years of service in the Respondent Organization and further contended that the children of the Petitioner are dependents and starving on account of punishment and requested to reduce the punishment. On the other hand the counsel for the Respondent contended that the punishment is commensurate to the gravity of charge.

15. If the Petitioner is in service he could have been retired by this time. The Petitioner who has put up more than 22 and ½ years of service was removed only on account of his absence for more than 4 and ½ months. The appeal and revision filed by the Petitioner were rejected solely on the ground that he was previously punished for absenteeism. The punishment of removal imposed against the Petitioner appears to be disproportionate in view of the service put up by the Petitioner. On account of his punishment the children and other family members who are dependents on Petitioner would suffer irreparably. Therefore, I feel that the punishment is not commensurate with the gravity of the charge and it is desirable to convert the punishment of removal of service into compulsory retirement and therefore the order of removal is set aside

by reducing the punishment into that of compulsory retirement. The Respondents are directed to convert the punishment as that of compulsory retirement from service with retirement benefits.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, PA, transcribed by her, corrected and pronounced by me, on this the 7th day of February, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 : Sri T. Ratan Singh	MW1 : Sri Rathod Mohan
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Documents marked for the Petitioner

Ex. W1 : Copy of removal order dt. 30-1-1989
 Ex. W2 : Copy of order rejecting appeal dt. 20-3-1989
 Ex. W3 : Copy of order rejecting revision dt. 20-11-89

Documents marked for the Respondent

Ex. M1 : Copy of charge sheet dt. 13-4-87
 Ex. M2 : Copy of WW1's representation dt. 20-4-87
 Ex. M3 : Copy of memo for Ex. W2 dt. 1-7-87
 Ex. M4 : Copy of order of Hon'ble Central Administrative Tribunal, Hyderabad dt. 24-7-97
 Ex. M5 : Copy of mercy appeal of the Petitioner
 Ex. M6 : Copy of mercy appeal dt. 19-12-89
 Ex. M7 : Copy of another mercy appeal dt. 25-8-90
 Ex. M8 : Copy of memo of charges dt. 29-1-88
 Ex. M9 : Copy of letter by WW1 to AME/HYD/SCRLy
 Ex. M10 : Copy of removal order dt. 30-1-89
 Ex. M11 : Copy of order of appellate authority dt. 20-3-89
 Ex. M12 : Copy of confirmation order by the CME dt. 20-11-89

नई दिल्ली, 10 मार्च, 2006

का. आ. 1278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 249/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-3-2006 को प्राप्त हुआ था।

[सं. एल-12012/54/96-आई. आर. (बी-1)]
 अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 249/97) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 9-3-2006.

[No. L-12012/54/96-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/249/97

Shri C. M. Singh, Presiding Officer

Shri Santosh Kumar Dehariya,
S/o Shri Babloo Singh Dehariya,
Opp. H.No. 299, Pampapur Rahul Nagar,
Bhopal (MP) ... Workman

Versus

The Chief General Manager,
State Bank of India,
Local Head Office,
Hoshangabad Road,
Bhopal (MP) ... Management

AWARD

Passed on this 15th day of February, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/54/96-IR(B-I) dated 5-9-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of State Bank of India, Bhopal in terminating the services of Shri Santosh Kumar Deharia, S/o Shri Bablu Singh Deharia with effect from November 1993 is justified or not? If not, to what relief the workman is entitled?”

2. After the reference order was received, it was duly registered on 17-9-97 and notices were issued to the parties to file their respective statement of claims. In spite of sufficient service of notice on the workman, he failed to put in appearance and file his statement of claim. Therefore vide order dated 10-8-05 of this tribunal, the case proceeded ex parte against the workman. The management was thereafter given opportunities to file their written statement but the management also failed to put in appearance and file their written statement on the due dates. Under the

above circumstances, this tribunal was left with no other alternative but to close the reference for award.

3. These circumstances clearly indicate that the workman does not want to prosecute the case. It is also indicated that the management is not interested in contesting the reference. It clearly means that the parties have no interest in the reference and therefore it shall be just and proper to pass no dispute award in the reference. Under the above circumstances no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 10 मार्च, 2006

का. आ. 1279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, हैदराबाद के पंचात (संदर्भ संख्या 120/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-03-2006 को प्राप्त हुआ था।

[सं. एल-12014/2/2006-आइ. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th March, 2006

S.O. 1279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (120/2005) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad and their workman, which was received by the Central Government on 09-03-2006.

[No. L-12014/2/2006-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 23rd day of January, 2006

Industrial Dispute No. L.C.I.D. 120/2005

BETWEEN

Sri B. Venu Gopal,
C/o A. P. Industrial Employees Union,
“House of Labour”, King Kothi Road,
Hyderabad-29. ... Petitioner

AND

नई दिल्ली, 13 मार्च, 2006

1. The Dy. General Manager,
Personnel Department,
State Bank of Hyderabad,
Gunfoundry Head Office,
Hyderabad.

2. The Branch Manager,
State Bank of Hyderabad,
Treasury Branch,
Gunfoundry,
Hyderabad.

... Respondents

APPEARANCES

For the Petitioner : Representative from union

For the Respondent : Sri A.V.S.S. Prasad, Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 120/2005 and notices were issued to the parties.

2. The workman after one adjournment filed withdrawal memo not pressing the matter today i.e., on 23-1-2006. In view of the memo petition dismissed as not pressed.

Award passed. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me on this the 23rd day of January, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidenceWitnesses examined for
the PetitionerWitnesses examined for the
Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

का. अ. 1280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. लि. के प्रबंधन के संबद्ध निवृत्तियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 77/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2006 को प्राप्त हुआ था।

[सं. एल-20012/714/97-आई. आर. (सी.-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th March, 2006

S.O. 1280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 07-03-06.

[No. L-20012/714/97-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/S. 10(1)(d) (2A) of I.D. Act.

Reference No. 77 of 1998

PARTIES

Employers in relation to the management of Tisra Central
Hospital of Bastacola Area of M/S. B.C.C. Ltd.

AND

Their Workmen

PRESENT

Shri Sarju Prasad, Presiding Officer

APPEARANCES

For the Employers : Shri S. N. Sinha, Advocate

For the Workman : Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

State : Jharkhand.

Industry : Coal

Dated, the 27th February, 2006

AWARD

By Order No. L-20012/714/97-I.R. (C-I) dated 10-9-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (I) and sub-section (2A) of Industrial Disputes

Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management in not providing employment to the dependant of Smt. Bina Biswas under para 9.4.0 of NCWA-V is legal and justified ? If not, to what relief the dependant of the Workman is entitled ?”

2. The case of the sponsoring union is that Smt. Bina Biswas was a permanent workman of M/s. B.C.C. Ltd. working as Aya at Tisra Central Hospital. The concerned workman was unable to perform her original duty due to her ill health and loss of vision, so she represented before the management for declaring herself unfit for the original post and also made a prayer for giving employment to her son as per para 9.4.0 of NCWA-V. She was referred to Company's Medical Board, who declared her unfit for the original job. The management thereafter again referred her to C.G.M. (Medical Service) for examination and the Medical Board of C.G.M. (Medical Service) also confirmed the report of unfitness by the Medical Board of the local colliery. As per the provision of para 9.4.0 of NCWA-V her son is entitled for employment, but the management for some ulterior motive did not allow employment to her son in terms of the aforesaid provision in NCWA-V. Thereafter the sponsoring union raised the present dispute.

3. The management has admitted in their written statement that the concerned workman, Smt. Bina Biswas, was a permanent workman working as Aya in Tisra Central Hospital of M/s. B.C.C. Ltd. The management has also admitted that she was declared unfit by the management's Medical Board and she has claimed employment of her son in place of her as per provision of NCWA-V, but at that time there was moratorium, therefore the management did not provide employment to her son on the ground of medical unfitness. The management has also admitted that she was declared unfit and in terms of letter dated 3-4-95 she was terminated from service due to medical unfitness.

The management has also taken a plea that only in exceptional circumstances/case a dependant of a workman has to be employed and that also in case of ailment like cancer etc. Further according to the management in case of surplus workman the dependant employment of an employee declared unfit on medical ground can be denied.

4. The management has examined only one witness, namely, Dr. R. P. Srivastava. He has rather proved the case of the workman that she was declared unfit by Medical Board in which he was Chairman. The report of the Medical Board has been marked Ext. M-1. The concerned workman, Smt. Bina Biswas has examined herself and she has fully supported her case.

5. The management has not given evidence to show that the management has got surplus hand nor the management has adduced any evidence to show that there

was any moratorium in giving employment to the dependant of a workman declared medically unfit. Although the management has taken a plea that employment is to be provided only in case of serious illness like, cancer, T.B. etc., but if we go through the provision of 9.4. to 9.4.3 we find that there is specific provision in Chapter IX of NCWA that employment to one dependant of a workman who is permanently disable is to be provided employment by Coal Company, only condition is that the disabled of a workman should arise out of either from injury or disease and be of a permanent nature resulting into loss of employment and it should be so specified by the Coal Company concerned. If we view the present case as per the provision of para 9.4.3 of NCWA-V then we find in the present case the concerned workman, Smt. Bina Biswas had lost her vision which is of a permanent nature resulting into loss of employment by way of termination by the management and the management has duly specified this fact of permanent disablement as also loss of employment. Therefore, in view of the provision of para 9.4.3 of NCWAs the action of the management in not providing employment to the dependant son of Smt. Bina Biswas under para 9.4.3 of NCWA-V, which has actually been reiterated in earlier NCWAs also is not justified. Therefore, I find that the action of the management is not justified.

6. In the result, I render following award :—

The action of the management in not providing employment to the dependant of Smt. Bina Biswas under para 9.4.3 of NCWA-V is illegal and the dependant of the concerned workman is entitled for employment. The management is directed to implement this award within 30 days from the date of publication of the award, failing which the dependant son of the concerned workman shall be entitled for wages of General Mazdoor Category-I.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 13 मार्च, 2006

का. आ. 1281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 65/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2006 को प्राप्त हुआ था।

[सं. एल-20012/271/91-आई. आर. (सी.-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th March, 2006

S.O. 1281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/92) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I, now as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 07-03-06.

[No. L-20012/271/91-IR (C-1)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/S. 10(1)(d) (2A) of I.D. Act.

Reference No. 65 of 1992

PARTIES

Employers in relation to the management of Kathara
Colliery of M/s. C.C. Ltd.

AND

Their Workmen

PRESENT

Shri Sarju Prasad, Presiding Officer

APPEARANCES

For the employers : Shri D. K. Verma, Advocate

For the workmen : Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

State : Jharkhand.

Industry : Coal

Dated, the 28th February, 2006

AWARD

By Order No. L-20012/(271)/91-IR (Coal-I) dated 'Nil' the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kathara Colliery of M/s. C.C. Ltd., P.O Kathara, D. Giridih not to regularising and making the payment of wages as per NCWA's to these workmen is justified ?" A list of workers is enclosed.

2. The case of the sponsoring union is that the concerned persons, Sharwan Ghashi and 10 others whose names find place in the annexure to the order reference are working as sweepers at Kathara colliery since 1986 and in each calendar year they have put in attendance for 240 days. According to the sponsoring union the works of

sweeping and cleaning are prohibited category of job and are of permanent and perennial nature. But the management in order to deprive the concerned persons from the wages prescribed as per NCWA are making payment of wages to them through intermediary. Therefore, the sponsoring union has prayed for regularisation/departmentalisation of all the 11 concerned persons mentioned above and payment of wages as per NCWA.

3. The case of the management is that the present reference is bad as there is no Industrial Dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act. According to them, the Central Government is not the appropriate Government and the reference by Central Government is bad. Further, according to them none of the concerned persons have worked under the direct control and supervision of the management of Kathara colliery and there is no relationship of employer and employees between them. According to the management, occasionally there is requirement of cleaning of drainage of the residential colony of Kathara colliery for which the management engage contractor from time to time, but such work is of temporary nature for a very brief period. According to them, the colony of the colliery is not within the premises of the colliery, therefore the appropriate Government with respect to the workmen engaged in cleaning job of the colony is the State Government and therefore the present reference is bad. According to the management of Kathara colliery of M/s. C. C. Ltd. the present reference is fit to be outright rejected and the concerned persons are not entitled to any relief.

4. In view of the plea of the management the first and foremost question to be decided in the reference is whether there is relationship of employer-employees between the management of Kathara colliery of M/s. C.C. Ltd. and the concerned workmen. If so, are the concerned persons entitled for regularisation/departmentalisation and payment of wages as prescribed under NCWA ?

5. As mentioned above since the management has denied employer-employees relationship in between the management and the concerned persons, let us see if the sponsoring union has been able to prove that the concerned persons are the workmen of the management.

6. In order to prove the relationship of employer-employee the sponsoring union has filed certificate granted by the Personnel Manager of Kathara colliery which has been marked Ext. W-2 in which the Personnel Manager of Kathara colliery has clearly mentioned that Sharwan Ghashi and 10 others whose names find place in the term of reference are working as sweepers in different sections of Kathara colliery under the supervision of M/s. C. C. Ltd. till date. The management has not brought on record anything from which it can be said that the present certificate filed by the sponsoring union is forged and fabricated document.

The Personnel Manager whose signature finds place in the aforesaid certificate has not been examined to deny this fact. Besides this, one of the concerned persons, Anju Ghashi has been examined who has clearly stated that they are working at Kathara colliery as sweepers right from the year 1986 till date and they are putting attendance for more than 240 days in a calendar year. He has clearly stated that their works are being supervised by the Sanitary Inspector of the management and the implements for work are provided by the said Sanitary Inspector, but their wages being paid at the lesser amount than the amount prescribed under NCWA. He has further stated that the Colony No. 4 of Kathara colliery is adjacent to the colliery pit and they work as sweepers in the colony as well as in the colliery hospital and colliery office and this work of sweeping and cleaning is of permanent nature. The fact that Sanitary Inspector is the person Incharge of supervising the cleaning and sweeping job in the colliery as well as in the colony of the colliery is admitted by MW-1—M.D. Nurullah. But the management has not examined Sanitary Inspector who would have been competent to say whether these persons are working as sweeper or not. The management's witness No. 1, M. D. Nurullah is surveyor and he has clearly stated that his duty is not to supervise the work of sweepers rather his job is of preparing map and plan.

7. The sponsoring union has also examined one Kesho Singh Yadav who has stated that the concerned persons are working as sweepers at Kathara colliery and colony, hospital and office of the colliery. He has identified the signature of I.D.P. Mehta, Personnel Manager of Kathara colliery who has granted certificate regarding working of the concerned persons as sweepers at Kathara colliery.

8. Although the sponsoring union has been able to show that the concerned persons are working as sweepers in the Kathara colliery since 1986 but the management has not examined any competent person to deny this fact.

9. The management has only filed one tender notice and bill of contractor regarding cleaning and sweeping job for the year, 1990, but the management has not filed any Tender Register, any Agreement between the management and the contractor or any muster roll register of the contractor to show how many days a particular person has worked under a contractor. Besides that the management has not filed any certificate of registration for engagement of contractor as required under the Contract Labour (Regulation & Abolition) Act, nor they have filed any licence of the contractor. The management has not even examined any contractor to prove that such contractor was engaged for a very brief period. No one has come to deny that the work of cleaning and sweeping is of a permanent and perennial nature of job. Although certain documents were called for from the management, but the management has not filed the same nor they have given any explanation

for not filing the same, therefore an adverse inference will have to be drawn against the management. The case of the management is falsified by the certificate granted by the Personnel Manager of the colliery from which it is amply proved that the concerned persons are working as sweepers in the office, hospital including colony of the colliery. Therefore, I find that there is relationship of employer-employees in between the management of Kathara colliery of M/s. C. C. Ltd. and the concerned persons. The work of sweeping and cleaning is permanent and perennial nature, therefore, the concerned persons deserve wages as per NCWA and also for regularisation/departmentalisation as Category-I Mazdoor.

10. In view of the discussions made above, I render following award—

The action of the Kathara colliery of M/s. C. C. Ltd. in not regularising and making the payment of wages as per NCWA to the concerned persons is not justified and they are entitled for regularisation as General Mazdoor Category-I and payment of wages as per NCWA. The management is directed to regularise the concerned persons within 30 days from the date of publication of the award failing which the concerned persons shall be entitled for payment of wages as prescribed in NCWA for General Mazdoor Category-I on expiry of 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

श्रम और रोजगार मंत्रालय

नई दिल्ली, 22 मार्च, 2006

का. आ. 1282.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ.— दिनांक 17-10-2005 द्वारा बैंकिंग उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 2 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 17-10-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 17-4-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/5/97—आई. आर. (पी. एल.)]

जे. पी. पति, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 22nd March, 2006

S.O. 1282.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No.— dated 17-10-2005 the service in Banking Industry which is covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 17th October, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 17th April, 2006.

[File No. S-11017/5/97-IR(PL)]

J. P. PATI, Jt. Secy.